



**South
Cambridgeshire**
District Council

Reference: 20/05101/FUL

Site Address: The Retreat, Fews Lane, Longstanton CB24 3DP

8 Sep 2021

Report to: South Cambridgeshire District
Council Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

20/05101/FUL– Land at the Retreat, Fews Lane, Longstanton, CB24 3DP

Proposal: Erection of a chalet bungalow with garage and associated infrastructure

Applicant: Mr Gerry Caddoo, Landbrook Homes Ltd

Key material considerations:

- Principle of development
- Impact on the character of the area
- Impact on residential amenity
- Highways matters
- Other matters

Date of Member site visit: None

Is it a Departure Application?: No

Decision due by: 05.02.2021

Application brought to Committee because: The proposal raises significant concerns locally and it is considered to be in the public interest for the application to be referred to the Planning Committee.

Presenting officer: Lewis Tomlinson

Executive Summary

1. The applicant has submitted an appeal to the Planning Inspectorate on the grounds of non-determination. As a result, the Local Planning Authority (LPA) no longer has the authority to determine the application. The LPA is required, however, to prepare a Statement of Case (SoC), as part of the appeals process, setting out its evaluation of the planning merits of the proposal. Given the history of the site, the application would have been referred to the Planning Committee for its determination had the appeal against non-determination not been made. Officers are therefore bringing the application to Planning Committee in order that Members can express the Committee's 'minded-to' decision that will form part of the SoC.
2. The application seeks planning permission to erect a 1.5 storey, 4 bedroom chalet dwelling, with garage, associated infrastructure and parking. A similar scheme (S/2439/18/FL) was granted by the Planning Committee in Feb 2019 for the erection of a single storey dwelling and ancillary parking. Officers are of the view that the proposed development complies with relevant policies of the Development Plan, that there are no material considerations which indicate that permission should be refused, and that therefore the proposed development is acceptable.

Relevant planning history

3. Applications relating to the application site:

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

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

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

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

S/3215/19/DC – Discharge of conditions 4 (Foul Water Drainage) and 5
(Surface Water Drainage) of planning permission S/2937/16/FL – Discharged
(subject to current High Court challenge)

4. Applications relating to the adjacent application site, land to the front (south):

20/02453/S73 – Variation of condition 7 (Traffic Management plan) pursuant
to planning permission S/0277/19/FL to reflect the proposals in the Traffic
Management Plan to substitute the current wording in Condition 7 with "The
development hereby permitted shall be carried out in accordance with the
Traffic Management Plan prepared by SLR Consulting, Version Final_1 and
dated December 2019 as amended by planning committee on the 26th May
2021 in relation to paragraph 3.2.4" (Re-submission of 20/01547/S73)

- approved Currently subject to High Court challenge (as referred to below, see appendix 7 regarding the Claimant's case and appendix 8 regarding the Council's response).

20/01547/S73 - Variation of condition 7 (Traffic Management plan) pursuant to planning permission S/0277/19/FL to reflect the proposals in the Traffic Management Plan to substitute the current wording with "The development hereby permitted shall be carried out in accordance with the Traffic Management Plan prepared by SLR Consulting, Version Final 1 and dated December 2019" – Withdrawn

S/0277/19/COND9 – Condition 9 – foul and surface water drainage – subject to non-determination appeal, LPA seeking confirmation that appeal is within time and valid.

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

S/4471/19/DC – Discharge of condition 7 (traffic management plan) pursuant to planning permission S/0277/19/FL – subject to non-determination appeal, LPA seeking confirmation that appeal is within time and valid.

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

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

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

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

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

Officer's Note: this is not the complete planning history but rather details of those applications most relevant to the proposal put before members. For a complete planning history, one should review the on-line public register, including with reference to S/0791/88/O – One Bungalow – Refused and appeal dismissed, which has been referenced by third parties. Third party representations also draw reference to case law regarding the weight to be attached to the fall-back position of planning permissions and have included a summary table of the planning history of the site. The representation quotes 'it is common ground that the correct test to be applied in considering a fall back

argument is whether there is a reasonable possibility that if planning permission were to be refused, use of land, or a development which has been permitted, would take place, and such use or development would be less desirable than that for which planning permission is sought.” (emphasis added)’. The representation concludes that previous decisions for a site are certainly capable of being a material considerations, but not every extant planning permission for a site creates a fall-back position.

Planning policies

5. National Guidance

National Planning Policy Framework 2021 (NPPF)
Planning Practice Guidance
National Design Guide 2019

6. South Cambridgeshire Local Plan 2018

S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development
S/7 Development Framework
S/10 Group Villages
CC/1 Mitigation and Adaptation to Climate Change
CC/3 Renewable and Low Carbon Energy
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/12 Residential Space Standards
H/16 Development in Residential Gardens
SC/11 Land Contamination
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/10 Broadband

7. South Cambridgeshire Supplementary Planning Documents (SPD)

Trees & Development Sites SPD - Adopted January 2009
District Design Guide SPD - Adopted March 2010
Sustainable Design and Construction SPD 2020

Consultation

Cambridgeshire County Council (Highways Development Control)

8. No objection. The Highway Authority can confirm that they will not be adopting any part of this development. Recommends the inclusion of conditions regarding a traffic management plan and deliveries during demolition/construction including muck away.

Contaminated Land Officer

9. No objection. The design and access statement describes the proposed site as “an open area of garden land which was more recently in use for materials storage/compound”. Though the end use is sensitive to the presence of contamination, the site is likely to be low risk. Recommends the inclusion of a condition regarding unexpected contamination.

Drainage

10. No comments received

Environmental Health Officer

11. No objection. Recommends the inclusion of a condition regarding construction noise hour limitations and an informative regarding piling.

Longstanton Parish Council

12. Having considered this application at their meeting on Monday 8th February, Longstanton Parish Council have recommended this application for Parish Council SUPPORT, however, they still have serious concerns over the increase in traffic on Fews Lane itself which is used as a public footpath. These concerns about highway safety have been raised by Longstanton Parish Council since the first application on this site in 2015. They have and continue to feel that the development impacts the safety of pedestrians using the public right of way and there is an impact on visibility for traffic leaving Fews Lane onto the High Street.
13. The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

Representations from members of the public

14. Representations have been received from the following addresses objecting to the application:
 - 6 Mitchcroft Road
 - 34 Mitchcroft Road
 - The Elms, Fews Lane (The Fews Lane Consortium Ltd)
15. The following concerns have been raised (as summarised):
 - The existing tree line should not be cut back and additional trees should be planted

- Highway safety grounds
- No safe access to the site has been provided
- The top of Mitchcroft Road corner to Few's Lane along the High Street would need double yellow lines due to the increase in dwellings
- The Local Highway Authority previously recommended refusal for other applications on the same site. Why have they taken a different approach to this application? The Local Highway Authority has stated outside of the application that its view has changed because the land necessary to provide a widened carriageway of Few's Lane sufficient for two cars to pass without either having to reverse along or into the public highway is not within the ownership or control of the applicant. The local highway authority also states that it is unable to request a condition for pedestrian visibility splays because the land necessary is not in the ownership or control of the applicant. It is because the Local Highway Authority has unlawfully taken into consideration irrelevant considerations, the identity of the owner of land within the application site and the identity of owner of land outside the application site that is not owned by the applicant.
- S. 327A of the Town and Country Planning Act 1990 specifically prohibits local planning authorities from entertaining applications where any requirement imposed by the Act or by any provision made under the Act has not been satisfied. Article 7(1) of the DMPO 2015, which was made pursuant to the 1990 Act, requires applications to comply with the instructions in the application form. The application form requires that the land required for visibility splays should be included within the red line boundaries shown on the location plan. Accordingly, this application for planning permission is being considered by the local planning authority ultra vires the 1990 Act.
- If approved, please attach the following conditions:
 - o The development authorised by this permission shall not commence until the local planning authority has approved in writing a full scheme of works for the carriageway of Few's Lane to be widened to a width of at least 5 metres for at least the first 5 metres of the carriageway as measured from the back of the footway along High Street and the approved works have been completed in accordance with the local planning authority's written approval and certified in writing as complete by the local planning authority. Reason: In the interests of highway safety, to ensure safe and suitable access to the site for all users (NPPF 2019 paragraph 108/Local Plan 2018 policy HQ/1), including users of the public footpath, by allowing two vehicles to safely pass in Few's Lane without either vehicle being required to reverse into the adopted public highway or along the public footpath.
 - o The development authorised by this permission shall not commence until the local planning authority has approved in writing a full scheme of works for two pedestrian visibility splays to measure at least 2 metres by 2 metres measured from and along the back of the footway along High Street and the edges of the carriageway of Few's Lane and the approved works have

been completed in accordance with the local planning authority's written approval and certified in writing as complete by the local planning authority. Reason: In the interests of highway safety, to ensure safe and suitable access to the site for all users (NPPF 2019 paragraph 108/Local Plan 2018 policy HQ/1), including users of the public footpath, by allowing sufficient inter-visibility between pedestrians and vehicles making use of the junction.

- o The pedestrian visibility splays shall be maintained free of any obstruction above 600mm in height at all times thereafter for the lifetime of the development. Reason: In the interests of highway safety, to ensure safe and suitable access to the site for all users (NPPF 2019 paragraph 108/Local Plan 2018 policy HQ/1), including users of the public footpath, by ensuring that sufficient inter-visibility between pedestrians and vehicles making use of the junction is maintained for the lifetime of the development.
- The development of the land at The Retreat is a single, integrated development designed to share a common infrastructure and access. The development, which would erect 5 houses, has been divided amongst multiple planning applications for only one or two houses each, and these applications have been submitted over multiple years in order to attempt to avoid the requirements for suitable access and infrastructure that would be required if the entire site were developed as a whole.
- It is not reasonable for the local planning authority to continue to consider these applications in isolation when they comprise part of a larger site where there would be a requirement for the provision of adequate infrastructure and access if the site were to be developed as a whole.
- The approach being taken by the local planning authority also would create a dangerous precedent if development which has unacceptable impacts may be permitted simply by the developer 'salami-slicing' the development into multiple smaller parcels that individually fall below the threshold where improvements to infrastructure and access are required.
- Should the local planning authority adopt this approach, it would likely see this approach being used by developers in regards to a number of smaller sites throughout the village, in particular the site at 50 Mills Lane, and in surrounding villages.
- The Fews Lane Consortium would urge the local planning authority to carefully consider the implications of its decision in this case for small sites throughout the district.
- In 1988, the Council refused planning permission at this site because there was insufficient visibility at the junction of Fews Lane and High Street to permit any additional dwellings to use the access via Fews Lane. The council's 1988 decision to refuse planning permission was upheld by the Planning Inspectorate in 1989 on the grounds that there was insufficient visibility at the junction of Fews Lane and High Street to permit any additional dwellings to use the access via Fews Lane. Extracts from the appeal statement provided.

- The junction of Few's Lane and High Street has not been altered or improved since the 1988 and 1989 decisions, and although a bypass of the village has been completed since that time, the visibility at the junction is significantly less than it was in 1988 and 1989 due to the growth of trees and hedges since that time.
- Planning applications submitted for the site in 2012, 2014, and 2016 all failed to meet the national information requirements for applications for planning permission as they failed to include the land necessary to access the development from the adopted public highway within the red line boundary shown on the location plan. The invalidity of these applications was not considered by the decision makers at the time.
- Highway Authority advice has been inconsistent, previously requesting in relation to the 2012 application conditions relating to a 5m widening of the lane and 2m x 2m visibility splays. The conditions were attached.
- In 2014, The Retreat was sold to the current landowner. This is material because the longstanding position of the district council and county council on the suitability of this site for development inexplicably changed due to the lobbying efforts of the current landowner.
- In 2016, an application was made for planning permission for the erection of an additional dwelling. This application was refused by the local planning authority. That decision was the subject of an appeal, which was determined in 2018. The appeal was allowed. However, this appeal decision should be given very light weight as a material consideration in the current planning appeal. The reasons for this include:
 - Third parties were denied the opportunity to inspect the appeal documents and make representations to the Inspector. The local planning authority has accepted that the Inspector's assertion that the appeal documents had been available to third parties at the local planning authority's offices was not factually correct.
 - The Inspector appears to have been wholly unaware of the 1989 planning decision for the same type of development at the same site, in which an Inspector reached exactly the opposite conclusions on highway safety at the same junction.
 - The location plan for the application did not conform to the national validation requirements and did not indicate what land was to be used for access to the site from the adopted public highway.
 - The Inspector appears to have been unaware that Few's Lane is a public footpath as this was not indicated on the location plan as is required by the national validation requirements.
 - The Inspector failed to take into account the emerging local plan, which was adopted the day after the appeal decision, and which contained policy H/16 which specifically restricted the development of additional dwellings in residential gardens where it was not possible to provide safe access to the site.
- At the same time that the planning appeal above was being decided in 2018, the appellant also submitted a second application for the same development to the local planning authority.
- In that application, the local highway authority again requested conditions for 2m x 2m pedestrian visibility splays and the widening of

the carriageway to 5m for at least the first 5m from the boundary of the adopted public highway.

- In the course of the local planning authority's consideration of this application, the applicant contacted the planning officer and informed her that the owner of The Retreat did not own the land necessary for the improvements to Few's Lane sought by the local highway authority.
- Rather than informing the applicant that the ownership of land to which a planning application relates is not a material planning consideration, the planning officer instead proceeded to lobby the local highway authority to remove its requests for conditions requiring improvements to the junction on the basis of this immaterial consideration.
- In response, the local highway authority removed its requests for conditions.
- In a letter dated 12 December 2018, the local highway authority explained its unlawful reasoning for the decision:
- "The Local Highway Authority can only request works within land that is within the ownership of the applicant or within the public highway.
- 1,2. as confirmed previously the applicant does not own the access and the public right of way is only approximately 2m in width in this location therefore the access cannot be widened to 5 metres in width, however it could be constructed in a bound material for 5m from the rear of the footway and the Local Highway Authority will seek a condition to reflect this.
- 3. as stated above within points 14,15 the Local Highway Authority believes that pedestrian visibility splays of 1.5m x 1.5m as per Design Manual for Roads and Bridges can be achieved at the junction of Few's Lane and the High Street."
- The local highway authority has stated that pedestrian visibility splays of 1.5 metres x 1.5 metres can be accomplished within land owned by the local highway authority. It is on this basis that the Design Manual for Roads and Bridges has been taken into account by the local highway authority.
- In all other planning applications for non-major residential development, the local highway authority and the local planning authority evaluate applications against the guidance contained in the adopted Cambridgeshire Design Guide for Streets and the Public Realm and the Manual for Streets.
- The Cambridgeshire Design Guide recommends minimum pedestrian visibility splays of 2m x 2m.
- The Design Manual for Roads and Bridges specifically states in its introductory section that it applies to motorways and trunk roads. Neither Few's Lane nor High Street are a motorway or trunk road.
- Rather than using the appropriate guidance and applying it correctly to the junction, the local highway authority appears to have selected the guidance based on the physical parameters of the junction.
- The local highway authority should be basing its statutory consultation response upon highway safety considerations and it is unlawful for the local highway authority to instead base its decision on the ownership of

land within the application site, which itself is an immaterial consideration.

- The local highway authority has refused to say whether it conducted any highway safety assessment in formulating its statutory consultation response. The local highway authority also refuses to clarify the extent of any highway safety assessment, if one was in fact conducted, or what the findings of that assessment were. The local highway authority has refused to say whether the findings of any safety assessment were taken into account in formulating the local highway authority's statutory consultation response.
- The local highway authority has refused to answer any questions in regards to its statutory consultation response.
- The local highway authority has obtained legal representation in regards to its statutory consultation response for this development and has instructed that all correspondence from members of the public should be directed to its solicitor.
- The county councillor for Longstanton has declined to explain or defend the statutory consultation response of the local highway authority. She has declined to respond to emails and has declined invitations to meet with residents of Few's Lane and Mitchcroft Road to discuss concerns about highway safety in regards to this development
- Officers of the local highway authority have not been willing to state that the local highway authority's consultation response reflects their own independent professional assessment of the highway safety implications of the development.
- The local highway authority's solicitor has not responded on behalf of the local highway authority to any of our queries about highway safety directed to the local highway authority. However, she has responded to confirm her receipt of our correspondence.
- The planning conditions recommended by the local highway authority are wholly inadequate. The condition for the construction traffic management plan has been varied in the case of this application to remove the requirement for the provision of on-site parking, and no requirement for suitable and safe parking or access to the site has been included that condition.
- Officers of the local planning authority have not responded to requests to meet with residents of Mitchcroft Road and Few's Lane to discuss their concerns.
- Officers of the local planning authority have not responded lawfully to requests for information under the Environmental Information Regulations knowing that by the time a complaint is brought to the Information Commissioner's Office, the current planning appeal already will have been determined and the 6-week period for statutory review will have expired.
- Officers of the local planning authority have declined to state if any highway safety assessment of the development site has been conducted. If any such assessment has occurred, local planning authority officers have declined to clarify the scope of that assessment,

to state the findings of any such assessment, or to explain how any findings made have been considered by officers.

- Officers of the local planning authority have previously stated that it is “correct” for the local planning authority to apply the highway safety standards for motorways and trunk roads to the junction of Fews Lane and High Street despite the fact that Fews Lane is an unpaved, single-width carriageway and public footpath that is not maintainable at public expense and despite the facts that neither Fews Lane nor High Street are either a motorway or a trunk road.
- Officers of the local planning authority have not disputed the fact that this site for development in Fews Lane is the only time that it has applied the highway safety standards for motorways and trunk roads to a public footpath or a residential access from an unclassified road.
- Officers of the local planning authority have previously stated that there is land within the adopted public highway for 1.5 metre by 1.5 metre pedestrian visibility splays. Officers of the local planning authority have not provided any evidence in support of this assertion except for a reference to this fact in a 12 December 2018 letter from the local highway authority.
- No appropriate design justification for 1.5 metre by 1.5 metre visibility splays has been provided by the local planning authority or the local highway authority.
- The local planning authority has accepted that the ownership of land to which a planning application relates is not normally a material planning consideration. The local planning authority does not assert that anything in the circumstances of the present application justifies the granting of a personal planning permission.
- Despite the acceptance of this legal principle by the local planning authority, in a meeting in January 2021, the local planning authority’s assistant director for delivery made clear that 1.5 metre by 1.5 metre visibility splays had been selected by the local planning authority not because of any material highway safety reason, but rather based on the ownership of the land required to access the site.
- No drawing or plan of the access showing the visibility splays has been provided by the applicant to officers, and officers have provided no such drawing or plan to the planning committee. Unquestionably, if one were to remove or narrow the footways along High Street, pedestrian visibility splays could be accommodated in theory. However, this removes provisions for safe pedestrian infrastructure, and again, no details concerning the layout or construction of the visibility splays has been provided.
- The footway widths have not been stated by the applicant or officers. Officers appear to have no information on the footway widths, and this matter appears not to have been considered.
- Officers of the local planning authority have refused to state why this application was not determined within the time allowed by statute.
- The local planning authority has not responded lawfully to requests for information held by the authority providing evidence as to the

authority's reasons for not determining the application within the time allowed.

- The local planning authority has acted unlawfully in failing to maintain public access to its statutory planning register from May 2021 until 2 August 2021. In current judicial review proceedings, the local planning authority has not disputed that public access to the planning register was not maintained during that period.
- The local planning authority has not disputed that it has breached its legal duty of candour in current judicial review proceedings in regards to development at this site by not providing an adequate explanation of its decision making processes in regards to the planning decision taken for this site in May 2021.
- Officers of the local planning authority have not been appropriately straightforward, either with the High Court or with members of its planning committee, in regards to this site. Officers have refused to explain the many inconsistencies in their reasoning in regards to development at this site.
- In order for the planning committee's decision making process to be fair, officers must act in an unbiased and impartial manner. When it can be demonstrated that officers have provided incorrect information to the committee or withheld information from the committee that they knew to be material, the fairness of the decision making process will also be undermined.
- Both local members for Longstanton objected to the same type and amount of development at the same site in 2019 on the basis of inadequate provision for highway safety—in particular because of the inadequate visibility at the junction of Fews Lane and High Street, the lack of an adequate construction traffic management plan, the status of Fews Lane as a public footpath, the adverse impacts on the safety of highway users. Cllr Cheung Johnson attended a meeting of the planning committee and expressed these concerns directly to the committee. The objections expressed by the local members continue to be material in regards to this decision.

16. Representations have been received from the following addresses neither objecting nor supporting to the application:

- 8 Mitchcroft Road

17. The following comments have been raised (as summarised):

- Confirmation that the tree line to the rear elevation of the property won't be cut back or thinned and will be thickened

18. A judicial review pre-action protocol letter of 30 April 21 was received from Mr Fulton on behalf of Fews Lane Consortium Limited ("FLCL") for this application and another application (20/02453/S73) relating to the adjacent site to the front. The pre-action protocol letter can be summarised as follows:

- Article 7(I) of the 2015 Order states that an application form for planning permission specifies that a location plan must be submitted that complies with the following instructions: "The application site must be edged clearly with a red line on the location plan. It should include

all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays (access around a road junction or access, which should be free from obstruction), landscaping, car parking and open areas around buildings).”

- In the case of application S/0277/19/FL, the area outlined in red on the location plan, which is relied upon also by purported application 20/02453/S73, failed to include all the land necessary to carry out the proposed development contrary to Article 7 (l) of the 2015 Order. Specifically, the land outlined in red failed to include the land required for visibility splays.
- The LPA has no jurisdiction to entertain, much less approve, either application

The site and its surroundings

19. The property known as The Retreat comprises a single-storey dwelling off an unadopted road known as Fews Lane. There are extant planning permissions to demolish The Retreat and replace it with two chalet style dwellings (S/0277/19/FL and 20/02453/S73 (S73 subject to current Judicial Review proceedings, see appendices 3-6 for associated decision notices and committee reports and appendices 7 and 8 regarding the JR claim and the Council’s formal response)). Parking for these two new dwellings would take place from the site frontage onto Fews Lane.
20. The current proposal and site is on land to the rear of the approved pair of chalet style dwellings which would replace The Retreat. The site is subject to an extant planning permission for a bungalow granted on appeal on 27 September 2018 (S/2937/16/FL), see appendix 1.
21. The site is also subject to an extant and identical planning permission to that allowed on appeal – permission ref. S/2439/18/FL - granted on 25 March 2019, which was reported the South Cambs Planning Committee meeting on 13 Feb 2019. S/2439/18/FL included an amended red line site plan connecting to the public adopted highway.
22. Para. 2 of the Officer Report for S/2439/18/FL to the 2019 Planning Committee stated *‘The previous application was refused on grounds of highway safety and was appealed successfully. In the light of that decision and the details submitted with the current application, officers are of the view that the proposed development is acceptable’*
23. The current proposal put before members of the Planning Committee is for a 1.5 storey dwelling to be erected in the former garden area to the rear of the proposed two new properties. The current proposal, together with the approvals to the front of the site onto Fews Lane, would complete the build out of the wider site which began with the two existing new homes constructed to the west and north west of The Retreat.

24. Fews Lane is not an adopted highway and comprises a single vehicle width gravel/surfaced track. The lane currently serves as an access to a double garage serving 135 High Street and to 3 other dwellings (The Willows and the two other recently constructed dwellings to the west of the Retreat) as well as to development plots at The Retreat. The Lane varies in width and the lane runs alongside a tree lined and vegetated area (to the north) with boundaries to No 135 and The Willows to the south side. A footpath (Public Right of Way) linking the Home Farm residential development to the south and west of Fews Lane with High Street emerges onto the south side of Fews Lane at a point to the immediate west of The Willows (and before the existing informal turning area beyond). The site lies within the designated village framework. To the immediate north of the site is a drainage ditch which outfalls to Longstanton Brook. The site is otherwise unconstrained.

The proposal

25. The application seeks consent for the erection of a chalet bungalow with garage and associated infrastructure. It would contain 4 bedrooms. The application sets out that the proposed dwelling:

- Mirrors the recently constructed dwelling to the west known as The Elms with the same roof pitch and ridge height.
- Has a ridge height that is lower than the approved dwellings (Plots 4 & 5) to the south.
- Has as a smaller footprint than the approved bungalow on the site and yet still provides four usable bedrooms, giving an increase in garden size.
- Provides parking within the curtilage of the site and the ability to turn and leave the dwelling in forward gear.

Planning assessment

Principle of development

26. Policy S/2 of the South Cambridgeshire Local Plan sets out the Plan objectives based on principles of sustainable development. Policy S/3 provides a presumption in favour of sustainable development. In locating new residential development, policy S/6 sets out the development strategy based on a sequential approach to development.

27. Policy S/7 states that development and redevelopment of unallocated land and buildings within development frameworks will be permitted provided that:

- a. Development is of a scale, density and character appropriate to the location, and is consistent with other policies in the Local Plan; and
- b. Retention of the site in its present state does not form an essential part of the local character, and development would protect and enhance local features of green space, landscape, ecological or historic importance; and
- c. There is the necessary infrastructure capacity to support the development

28. Policy S/10 classifies Longstanton as a group village where residential development will be permitted of up to 8 dwellings. Therefore, the principle of a new dwelling within the village framework as proposed would be considered acceptable subject to other material planning considerations discussed below.
29. In addition, and in any event, the principle of development of a dwelling on the site has already been established through the granting of application S/2439/18/FL which remains extant until 25 March 2022 and also the appealed application S/2937/16/FL which remains extant until 27 September 2021. These two applications are strong material considerations relating to the principle of development. For the reasons set out below in relation to the specific criteria in S/7 and H/16, officers consider the principle of a dwelling on the site to be acceptable.

Design and character

30. Policy HQ/1 of the adopted Local Plan states that all new developments should preserve or enhance the character of the local area and be compatible with its location and appropriate in terms of scale, mass, form, siting, design, proportions and materials. Policy HQ/1 also states that planning permission will not be granted where the proposed development would, amongst other criteria, have an unacceptable adverse on village character.
31. Policy H/16 relates to development in residential gardens and states that:
- The development of land used or last used as residential gardens for new dwellings will only be permitted where:
- a. The development is for a one-to one replacement of a dwelling in the countryside under Policy H/14 and/or:
 - b. There would be no significant harm to the local area taking account of:
 - i. The character of the local area;
 - ii. Any direct and on-going impacts on the residential amenity of nearby properties;
 - iii. The proposed siting, design, scale, and materials of construction of the buildings;
 - iv. The existence of or ability to create a safe vehicular access;
 - v. The provision of adequate on-site parking or the existence of safe, convenient and adequate existing on-street parking;
 - vi. Any adverse impacts on the setting of a listed building, or the character of a conservation area, or other heritage asset;
 - vii. Any impacts on biodiversity and important trees;
 - viii. Ensuring that the form of development would not prevent the development of adjoining sites
32. The surrounding area has a mix of styles and designs of residential properties but is generally characterised by compact residential properties set within close proximity of one another. The character of this part of Longstanton also comprises mainly detached dwellings which sit within modest plots. The proposed design of the dwelling is of a chalet style, with a ridge height of circa 7m. The proposal would comprise a 1.5 storey dwelling of a very similar scale

and design to the 2 dwellings recently constructed on the adjacent site under planning permission S/1498/15/FL.

33. The materials for the dwelling would consist of a clay pan tile in natural red with brick walls using Ibstock Ivanhoe cream buff multi-facing brick and white uPVC windows. Officers consider that such materials would be in-keeping with the surrounding buildings and consider that the proposal would be appropriate in terms of scale, mass, form, siting, design, proportions and materials.
34. The site has an area of approximately 0.05 hectares and the proposed dwelling would represent a density of 20 dwellings per hectare which is below the 30 dwellings per hectare usually sought by policy H/8. Given the constraints of the site adjacent to the other residential properties and the surrounding pattern of development a lower density is considered acceptable in this instance. The proposal is considered to comply with the aims and objectives of policy H/8.
35. The proposal is of a scale, density and character appropriate to the location. The site does not form an essential part of the local character and has sufficient space around its boundaries to protect existing features such as hedging. No significant harm to the local area would arise as per the criteria set out in policy H/16. The proposal complies with policies S/7, HQ/1, H/8 and H/16 of the adopted Local Plan 2018 and section 12 of the NPPF.

Highway matters

36. Occupiers of neighbouring properties and the Parish Council have raised concerns about the access arrangements. The means of access would be from the High Street and along Fewes Lane, the same as the most recent extant permission ref. S/2439/18/FL and other recent planning permissions. Officers consider that the proposal would not materially intensify the use of the access beyond that already approved, and taking account of approvals granted in the area since, the access is appropriate to serve the proposed dwelling. There is no objection from the Local Highway Authority regarding the proposed access.
37. Occupiers of neighbouring properties have raised concerns regarding highway safety, the need for upgrades to Fewes Lane, provision of visibility splays and the piecemeal development of properties off Fewes Lane. Officers have examined the committee reports to S/0277/19/FL and 20/02453/S73 (see appendices 4 and 6), which informed the most recent planning permissions on the adjacent site to the south for 2 new dwellings where highway safety matters were considered in detail.
38. Paragraphs 43 – 55 of the S/0277/19/FL report are considered relevant to the consideration of the current application in that they deal with the planning merits of the suggested improvements to Fewes Lane, the extent of the red line and visibility splays, issues which have been raised again under this

application. The relevant paragraphs from the original committee report are set out below:

'43: Paragraph 109 of the NPPF states developments 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'.

44: The local highway authority (LHA) initially objected as the application was not supported by sufficient pedestrian/cycle information to demonstrate that the proposed incremental development would not be prejudicial to the satisfactory functioning of the highway. The LHA requested that the pedestrian/cycle surveys be carried out, for the duration of 5 days Monday – Friday (not during the school holidays), between the hours of 7.30 – 9.30 and 15.00 – 17.00, along with details of weather on these days.

45: The applicant has since undertaken a survey for the use of Fewes Lane by cycles and pedestrians. This was carried out between 27 March and 2 April. The survey results indicate that on average there were 10 pedestrian movements per hour up and down Fewes Lane with a cluster of secondary school children during the a.m. and p.m. peaks representing almost 50% of all pedestrian movements. There was a record of just one cyclist during the week long survey. Full details of the survey are available to view on the Council's website.

46: Following the submission of the requested pedestrian/cycle information the LHA has withdrawn its request for refusal. As such, the LHA has not identified any unacceptable impact on highway safety. This is notwithstanding the survey information excludes highway users who pass the entrance to Fewes Lane as suggested by an objector.

47: The LHA's approval is subject to conditions that the existing Public Right of Way (PROW) be constructed using a bound material, for the first ten metres from the back of the footway along High Street; the submission of a traffic management plan and an informative to the effect that 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.

48: The requested works requiring the surface of Fewes Lane to be constructed using a bound material will be within the public highway (PROW) and therefore can be carried out under a Short Form Section 278 Agreement between the applicant and Cambridgeshire County Council.

49: The above conditions are considered necessary in this instance. No conditions are sought in respect of the width of the Lane at its junction with High Street or for pedestrian visibility splays to be provided as recommended by some local residents. Objections that the application is not valid as the red line plan does not take account of the necessary visibility splays are not

relevant as no requirement for such splays to be provided is considered necessary.

50: In considering the residual cumulative impact on the road network, account is taken of the increased level of traffic due to the total cumulative development of the original curtilage of The Retreat, and the two other properties (built in the 1960's) which use Fews Lane for vehicular access. With the recent approval for a dwelling under reference S/2439/18/FL, the former curtilage of The Retreat will have been subdivided into a total of 5 separate residential plots with the two additional houses opposite.

51: So far as the residual cumulative impacts on the road network are concerned, there would typically be around 4.5 vehicular movements per dwelling over a 12-hour period. This means that with the two new dwellings the total number of vehicular movements would increase to approximately 31.5. The local highway authority has not raised any concerns that the existing free flow of traffic along the High Street will be materially affected. Significantly, the LHA has not considered the residual cumulative impact on the road network arising from a total of seven dwellings to be "severe" as per the wording in paragraph 109 of the NPPF.

52: Attention is drawn to the two appeal decisions attached as appendix 1 and 2. In the former appeal (from 1989), the inspector noted that Fews Lane served three dwellings and the appeal proposal would increase this to 4. He considered the junction of Fews Lane and High Street (then the route of the B1050 through the village) to be unsafe given visibility to the south was considerably impeded by vegetation. As the road is straight, it was anticipated that vehicles would be travelling close to the maximum permitted speed and this would have a harmful effect on traffic safety. No such overriding harm was found in respect of traffic travelling from a northerly direction.

53: In the subsequent 2018 decision, the appeal inspector was aware that the B1050 had ran through the centre of Longstanton, but that the village by-pass now has a signposted route that skirts its western edge. He observed that traffic now has no need to take the old route to by-pass the village and that the time of his 9 a.m. visit on a school day, the level of traffic in the High Street appeared to be quite low. He opined there was no evidence to suggest these conditions were unusual. His conclusion was that although Fews Lane does not meet modern highway standards in terms of both its geometry and construction, the development would provide safe and appropriate access.

54: Officers conclude that there has clearly been a material change of circumstances in highway conditions between 1989 and 2018, namely the construction of the village bypass. This has had a material impact on traffic flows. The current application for an additional dwelling is also to be determined in accordance with the same road conditions that prevailed at the time of the second appeal.

55: Having had due regard to the matters already discussed, officers have no reason to dispute the conclusion of the LHA in respect of any highway related matters. The proposal therefore complies with policies TI/2 and TI/3.'

39. It is clear from the above extract that from a relatively recent committee report in an adjacent location (S/0277/19/FL) that the Inspector, for the related appeals on Fews Lane, and officers, robustly considered the Fews Lane highway safety issues. Officers have also considered the cumulative impact of the total amount of properties along Fews Lane.
40. The conditions proposed by third parties in relation to the upgrade of Fews Lane and provision of visibility splays, have not been imposed on the two extant permissions for two dwellings to the front of Fews Lane S/0277/19/FL or 20/02453/S73, or for the two extant planning permissions on the current site to the north of these, which include the appealed permission S/2937/16/FL or S/2439/18/FUL (see appendices 1 and 2). Contrary to the third party representations, taking into account the most relevant and recent planning history and approach to this matter, it is officers' judgement that it would be inconsistent and unnecessary of the LPA to seek to secure the improvements to Fews Lane as sought by third parties. These improvements and splays have not been sought by the Local Highway Authority on the current application.
41. Detailed consideration of visibility splays was also set out in the recent report to planning committee for the S73 application for the adjacent site, land to the front (south), ref. 20/02453/S73 (January 2021 with updates in April and May). This committee report is attached at appendix 4. Officers consider the arguments set out in that report, especially in relation to the adequacy of the existing visibility splays at the junction of Fews Lane and High Street, are relevant to the consideration of the current application.
42. Officer advice is that it is not necessary to seek to apply conditions as part of this application to upgrade Fews Lane or provide or maintain pedestrian visibility splays through the imposition of a Grampian condition because the splays required are contained within the adopted highway and provide adequate visibility. Material circumstances have not altered to suggest an alternative conclusion that improvements to Fews Lane are now necessary in order to grant planning permission. Officers are also of the view that given permissions S/2937/16/FL S/2439/18/FL, 20/02453/S73 and S/0277/19/FL (appendices 1, 2, 3 and 5) did not impose requirements to upgrade Fews Lane as sought by third parties, that to impose additional requirements now under this application would not be reasonable, particularly in light of the fact that S/2439/18/FL could itself be implemented without such requirements (expiry date of permission 25 March 2022). Officers note the third-party representations regarding the weight to be attributed to fall-back applications and representations which set out the planning history and challenge the validity of a number of the existing permissions, but they do alter officer advice.

Residential amenity

Residential amenity of neighbouring properties

43. The proposal would result in an increase of the ridge height by 2m in comparison to the previously approved scheme. The proposal would also include dormer windows in the front and rear roof slopes. The front dormer windows would have a minimal projection and the rear dormer would have a sloped roof. The scheme has been designed to keep the bulk of the first floor accommodation to a minimum and the roof pitch would help mitigate the potential impact upon No.6 Mitchcroft Road. No first floor windows are proposed on either side elevation.
44. There would likely be a small amount of overshadowing to a small part of the rear of The Elms in the early part of the day and a similar small amount of overshadowing to the rear garden of 6 Mitchcroft Road in the latter part of the day. Nonetheless, as a matter of judgement, officers are satisfied that the proposal would adequately protect the health and amenity of neighbours and thus comply with policies H/16 and HQ/1.
45. There would be a degree of overlooking of the rear gardens of the two approved dwellings on the adjacent site under S/0277/19/FL. It should be noted that these are also proposed new builds and do not have existing residential amenity. Future occupiers of these properties would be likely to be aware of the constraints of the site and layout of approved plots adjacent. In any event, there would be a circa of 22m of back-to-back distance. This relationship is acceptable in this case.
46. The Environmental Health Officer has recommended conditions for attachment in respect of working hours, contamination and piling. The working hours condition is considered reasonable for attachment in accordance with Policy CC/6. Contamination and piling conditions are also recommended to be imposed.
47. The proposal is considered to comply with the principles of Policy HQ/1 and would not harm the amenity of neighbouring properties.

Amenity of future occupiers

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

Unit Type	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m2)	Proposed size of unit	Difference in size
1	4	7	2	115	148	+33

49. The proposal exceeds the policy requirement for gross internal floor space. A sufficient sized rear garden is also proposed. The proposal is compliant with policies HQ/1 and H/12.

Renewables / Surface and Foul Water / Biodiversity

50. As per adopted policies CC/3, CC/4, CC/7, CC/8 and CC/9, conditions are recommended in respect of renewables, water efficiency and surface water drainage. Surface water is indicated to be controlled via a soak-away system.

51. Foul water drainage is detailed to be connected to the existing system and can be addressed through Building Regulation requirements.

52. As per policy NH/4 and NPPF guidance, the applicant is encouraged to seek to enhance biodiversity on the site. The proposed plans include a wall mounted sparrow terrace on one of the gables. A condition is recommended to be imposed to secure the detail of this and other biodiversity enhancements as appropriate.

Other matters

53. There have also been substantial third-party representations in respect of the application and previous applications, concerning their validity, the details provided and the application by the County Council of its Highway Policies. This includes matters in relation to the planning history of the site – including an earlier 1989 appeal decision which was dismissed on grounds of visibility - and inconsistency of advice from the Local Highway Authority over the course of time, stating that visibility at the junction is now less than before because of vegetative growth.

54. Officers have considered these matters and remain satisfied that the application is valid, notwithstanding the representations submitted, and can therefore be determined by the Committee. The assessment of the current proposals by County Highway officers reported above is also considered to be satisfactory – noting that the application of County Council policies and standards (national and local) are matters of judgment based upon the specific site circumstances. Officers have no reason to disagree with the conclusions of the County Highway officers in this matter - albeit members are not bound to follow their advice - including on the matter of the need for an explicit visibility splay to be shown for pedestrians at the site entrance.

55. Officers recognise that over the course of time, the nature of the advice from the LHA has changed as has the nature of the highway network around Longstanton. Based upon the current layout, location of the access and nature of the High Street and in consideration of the recent planning history and appeal history, officers do not consider conditions to improve the access and provide visibility splays to be reasonable or necessary.

56. Representations suggest the LHA's previous advice on S/2439/18/FL was unlawfully based upon matters of land ownership. The LHA's current advice is

not framed in this way and the period to challenge the previous decision of the LPA / advice from the LHA on that application has passed. The extant permission S/2439/18/FL is therefore a strong material planning consideration for members of the Planning Committee. Officers note that representations have been made directly to the LHA from Fewes Lane Consortium regarding its statutory consultation response and assessment of the highway safety implications of the proposal. There is nothing to suggest that the LHA has changed its position.

57. The Council does not agree that it has no lawful authority (notwithstanding the non-determination appeal process that this application is now subject to) to entertain these applications pursuant to s. 327A of the 1990 Act and article 7 of the DMPO 2015. An extensive bundle of correspondence between FLCL and the Council (together with an index) is attached to this report at appendix 7.
58. Judicial Review proceedings have been issued in relation to 20/02453/S73 and are ongoing (see appendices 7 and 8). The Council is defending its decision as lawful. That consent remains valid pending any decision of the High Court.
59. The application has been advertised as affecting a Public Right of Way (PROW). Taking into account previous decisions on this site and adjacent sites, officers do not consider there would be an adverse effect upon the PROW.
60. Third party comments regarding the retention of existing landscaping and the filling in of gaps are noted. The plans show that the landscaping is to be retained which aligns with the previous approval on the site. No conditions previously were applied in regard to boundary planting and officers do not consider it necessary to impose such conditions now.
61. Previous representations from third parties have been made in relation to impacts of the frontage scheme on green infrastructure as per policy NH/6. Officers do not consider this application to give rise to any concerns regarding potential conflict with NH/6 given the retention of border hedgerow to the site.
62. Representations have been received which suggest that following the sale of the Retreat in 2014 to the current landowner, the suitability of the site for development inexplicably changed due to the lobbying efforts of the current landowner. Officers confirm that this assessment of the application is not based upon the identity of the applicant but on the individual merits of the proposal.
63. Representations received suggest that limited weight should be given to the 2018 appeal decision re S/2937/16/FL at appendix 1. Officers disagree, the appeal decision deals with the primary issue of highway safety in detail. The decision on S/2937/16/FL is beyond the period of judicial challenge. The reasoning given by the Inspector for allowing the appeal is sound and officers advise that significant weight should be given to the appeal in the consideration of this application.

64. Representations question why the statutory period for determination of the application has expired without the application being determined. The non-determination of this application relates primarily to the complexity and extent of legal planning challenges to development proposals along Few's Lane made by Few's Lane Consortium.
65. Representations allege that the LPA has failed to maintain public access to its statutory planning register from May 2021 until 2 August 2021 and that in the current judicial review proceedings, the local planning authority has not disputed that public access to the planning register was not maintained during that period. Officers are of the view that this application, having been received on 11 Dec 2020, has been sufficiently well publicised and available for view on the public register so as have not to have caused any prejudice to third parties in relation to the formulation of representations to the proposal. Issues relating to the duty of candour in relation to current judicial review proceedings have been raised in representations and have been responded to by the Council (see appendix 9).

Traffic Management Plan and Muck-Away

66. The LHA has recommended two conditions, one relating to a Traffic Management Plan (TMP) and another relating to delivery and muck away movements from the site to between 9.30hrs and 16.00hrs Mon-Fri only. The conditions are recommended in the interests of highway safety.
67. Neither of these two conditions have been imposed on the two extant permissions for the site previously (S/2937/16/FL or S/2439/18/FUL). Officers consider a TMP condition to be unnecessary given the limited scale of the proposal. Within the appeal decision for S/2937/16/FL at para 16 the Planning Inspector also considered this point concluding that 'Many small developments are able to take place without any specific or detailed conditions relating to construction traffic, and there seems no reason why the appeal scheme should be any different'. Officers agree.
68. By way of an alternative, an informative is proposed by officers to encourage co-ordination of development with adjacent land if being developed.
69. Regarding the LHA request for limiting delivery and muck away movements, the proposal does not include a basement and is likely to involve piled foundations and as such the extent of any muck-away is likely to be limited. Officers do not consider this condition to be necessary – noting proposed condition 3 in any event – and that a condition, as per Environmental Health advice, is proposed to control the noise impacts from piling operations.

Planning balance and conclusion

70. Taking into consideration the above points, including the site history, Parish Council comments, the third-party representations and the advice from the Local Highway Authority, officers consider that the proposal is acceptable and

complies with Local and National policies. Officers would have recommended approval of the application (subject to conditions) as in accordance with the Development Plan with no material considerations indicating otherwise.

Recommendation

Officers recommend that the Planning Committee determines it would be **Minded to Approve** the application if it had the authority to do so subject to the following conditions and informative:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon).
- 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 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 minimise noise disturbance for adjoining residents in accordance with Policy CC/6 of the South Cambridgeshire Local Plan 2018).
- 4 No development above slab level shall take place until a scheme has been submitted that demonstrates a minimum of 10% of carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The scheme shall be implemented and maintained in accordance with the approved details prior to the occupation of the dwelling.
(Reason – In accordance with policy CC/3 of the South Cambridgeshire Local Plan 2018 and NPPF guidance that seek to improve the sustainability of the development, support the transition to a low carbon future and promote a decentralised, renewable form of energy generation.)
- 5 The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with.
(Reason – To improve the sustainability of the dwelling and reduce the usage of a finite and reducing key resource, in accordance with policy CC/4 of the South Cambridgeshire Local Plan 2018.)

- 6 No development above slab level shall be commenced until full details of the proposed arrangements for surface water drainage, both from the building itself and from the proposed driveway area, have been submitted to and approved in writing by the local planning authority. The new dwelling shall not be occupied or brought into use until the surface water drainage has been installed and made operational, in accordance with the approved details.
(Reason – To ensure a satisfactory means of drainage in accordance with policy CC/8 of the South Cambridgeshire Local Plan 2018.)
- 7 The dwelling hereby approved shall not be occupied until the dwelling has been provided with sufficient infrastructure, including sockets, cabling and connection points, sufficient to enable Wi-Fi, and suitable ducting (in accordance with the Data Ducting Infrastructure for New Homes Guidance Note) has been provided to the public highway that can accommodate fibre optic cabling, unless otherwise agreed in writing with the Local Planning Authority.
(Reason – To ensure sufficient infrastructure is provided that would be able to accommodate a range of persons within the property and improve opportunities for home working and access to services, in accordance with policy TI/10 of the South Cambridgeshire Local Plan 2018.)
- 8 If during the development contamination not previously identified is found to be present at the site, such as putrescible waste, visual or physical evidence of contamination of fuels/oils, backfill or asbestos containing materials, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved to the satisfaction of the Local Planning Authority.
(Reason – In the interests of public health, policy SC/11, South Cambridgeshire Local Plan 2018).
- 9 In the event of the foundations for the proposed development requiring piling, prior to any piling 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.
(Reason: In the interests of minimising noise disturbance, policy SC/10, South Cambridgeshire Local Plan 2018).
- 10 No development above slab level shall commence until a biodiversity enhancement scheme has been submitted to and approved in writing by the Local Authority. It shall include the consideration of native planting,

hedgehog habitat and connectivity and the proposed specification, number and locations of internal and / or external bird and / or bat boxes on the new buildings and any other measures to demonstrate that there will be a net biodiversity gain on the site of at least 10% (unless an alternative target is otherwise agreed by reason of viability). The biodiversity enhancement scheme as agreed shall be carried out prior to the occupation of the development and subsequently maintained in accordance with the approved scheme for the lifetime of the development.

(Reason: In accordance with the NPPF 2021 para 174 and Policy NH/4 of South Cambridgeshire Local Plan 2018)

INFORMATIVE:

The contractor is encouraged to liaise with adjacent development plots if carried out simultaneously and minimise impacts on surrounding streets in terms of muck-away, contractor parking, control of deliveries and control of dust, mud and debris in relation to the functioning of the adopted public highway.

Appendices:

Rear Plots

Appendix 1: Appeal decision relating to S/2937/16/FL of 27 Sep 2018

Appendix 2: Decision notice relating to S/2439/18/FUL of 25 March 2019

Frontage Plots

Appendix 3: Decision notice relating to 20/02453/S73 of 27 May 2021

Appendix 4: 21 May Planning Committee Report relating to 20/02453/S73

Appendix 5: Decision notice relating to S/0277/19/FL of 9 May 2019

Appendix 6: 8 May 2019 Planning Committee Report relating to S/0277/19/FL

Other

Appendix 7: Fews Lane Consortium Judicial Review Claim

Appendix 8: SCDC Judicial Review Response

Appendix 9: SCDC Duty of Candour Response