



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 Ward / Parish Proposal	22/02337/FUL Land at Rear of 64 Barton Road, Comberton Comberton Single storey 3 bedroom dwellinghouse and associated works.
Applicant Presenting Officer Reason Reported to Committee	Mr & Mrs Mark and Sally Arnold Charlotte Spencer Called-in by Parish Council Third party representations
Member Site Visit Date Key Issues	N/A 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>
-------	---

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.