

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

7th July 2004

AUTHOR/S: Director of Development Services

**S/1895/03/O – Comberton
Erection of Six Houses and Four Flats
Land off Milner Road for Mrs M Morgan**

Recommendation: Approval

Introduction

1. The applicant is seeking outline planning permission to provide a small estate off Milner Road to provide three detached houses, three terraced houses and a two-storey block of four flats on 0.255ha of land at a density of 39 dwellings per hectare.
2. Members considered the proposal at the meeting of the Development and Conservation Committee on 7th January 2004 – a copy of my report is attached at [Appendix 1](#). At that time Members resolved to grant delegated powers to officers subject to no objection being received from Anglian Water, to an amended plan being received showing the siting of the proposed garage on Plot 1 further away from the northern boundary hedge, and to the agreement of the applicant to make a financial contribution to the upgrade of the existing footpath link between Milner Road and Barton Road to a cycleway, if this were found to be technically feasible.
3. Any approval of the scheme would be subject to the completion of a Section 106 Agreement to secure the affordable housing element of the scheme, and an educational contribution. The terms of a draft agreement have been prepared by the Legal Officer.

Subsequent Developments

4. Anglian Water has confirmed by letter dated 24th March 2004 that it has no objection to the proposal as submitted. It states: "Some parts of the Comberton Catchment do experience operational difficulties from time to time, which ultimately may lead to the implementation of improvements. However, this particular site is not in this problematic area and consequently Anglian Water has no objection to raise to this application".
5. An amended layout plan has been received 22nd January 2004 showing the siting of the garage on Plot 1 altered to take account of the boundary hedge. The Trees and Landscape Officer has indicated that he is satisfied with the amended layout.
6. Cambridgeshire County Council has indicated that it is seeking an educational contribution of £18,000 in respect of two additional secondary school places.
7. Discussions have been undertaken with Cambridgeshire County and Comberton Parish Council concerning the possibility of funding an improvement to the footpath to the east of the site. The Transport Officer of Cambridgeshire County Council has confirmed that the County maintains the existing path, although SCDC maintains the verges.

He has stated that an upgrade to a 2.5m-wide cycleway is technically feasible, but would require the provision of pedestrian barriers at each end and the resiting of two street lights. He has estimated the cost of works to be in the region of £10,000. He has confirmed that Cambridgeshire County Council would be unable to provide any financial assistance.

8. The agent has indicated that the applicant would be willing to contribute £5,000 towards the upgrading of the path, but is concerned that any further amount would be disproportionate to the size of the project. They have suggested that the Parish Council should be approached to pay the remaining sum.
9. A letter dated 14th May has been received from Comberton Parish Council. The Parish Council states that unfortunately it does not have the matching funding available as it has identified several other key village projects that it considers to have a higher priority. The Parish Council would be prepared to receive the applicant's contribution to spend on a project of its own choice, as community benefit.
10. The agent has responded by letter dated 10th June indicating that the applicant wishes to withdraw the offer of funding for the path upgrade in view of the Parish Council's inability to fund half of the cost of construction, and has asked for the matter to be placed before Members for reconsideration, so that the S. 106 Agreement in relation to affordable housing and education contribution can be finalised.

Planning Comment

11. The footpath is only some 140 metres in length. To require the developer of this proposal for 10 dwellings to fund an upgrade to a cycleway seems to me to be disproportionate to the benefit gained, not necessary and not directly related to the proposed development. The requirement therefore fails three tests for seeking Obligations in Development of the Environment Circular 1/97, "Planning Obligations".
12. In the circumstances it is recommended that the application be approved without the requirement for a financial contribution towards the provision of a cycleway.

Recommendation

13. Subject to the prior signing of a Section 106 Legal agreement concerning the provision of affordable housing and the requested educational contribution:
14. Approval (as amended by site plan date franked 18th December 2003 and layout plan date franked 22nd January 2004) subject to:
 1. Standard Condition B – Time limited permission (Reason RC B);
 2. SC 1 – Reserved Matters b) design and external appearance of the buildings and d) the landscaping of the site (RC 1);
 3. Prior to the commencement of any development, a scheme for the provision and implementation of foul and surface water drainage shall be submitted and agreed in writing with the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specifications at such time(s) as may be specified in the approved scheme. (Reason – To ensure a satisfactory method of foul and surface water drainage);

4. Before the use is commenced, the access from the existing highway shall be laid out and constructed to the satisfaction of the Local Planning Authority after consultation with the Local Highway Authority. (Reason – For reasons of highway safety);
5. The permanent space to be reserved on site for the turning and parking of vehicles shall be provided before the use commences and shall thereafter be maintained (Reason- For reasons of highway safety);
6. SC 56 – Protection of trees during construction (RC 56);
7. SC 52 – Implementation of landscaping (RC 52);
8. Prior to the commencement of development details of the location of services shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. (Reason – In order that the layout of services can be assessed in relation to existing trees);
9. Prior to the commencement of development, details of the design of building foundations shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. (Reason – In order that the design of foundations can be assessed in relation to existing trees).

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/3** (Sustainable design in built development).
 - **South Cambridgeshire Local Plan 2004: SE4** (Development in Group Villages),
 - **HG7** (Affordable Housing on sites within Village Frameworks);
 - **HG10** (Housing Mix and Design).
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - the layout of development and its integration with adjoining development;
 - the protection of trees and hedgerows upon the site;
 - highway safety.
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

General

The Planning Permission is accompanied by a Section 106 Agreement dated in relation to an education contribution and affordable housing.

The applicant's attention is drawn to the comments of the Environment Agency in its letter dated 2nd October 2003 a copy of which is attached.

Background Papers: the following background papers were used in the preparation of this report: Application file S/1895/03/F; Cambridgeshire and Peterborough Structure Plan 2003; South Cambridgeshire Local Plan 2004.

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