

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 February 2011

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1463/10/F - LONGSTANTON

Erection of Convenience Store and 4 Commercial Units (Classes A1, A2, A3, A5 or D1) with 6 Flats Above, Erection of 4 New Dwellings with Associated Stores, Garages and Parking Areas and Formation of Access, Land to North of Nelson Crescent, High Street, Longstanton, for CPP (Stortford) Ltd

Recommendation: Delegated Approval

Date for Determination: 25 November 2010

Notes:

This Application has been reported to the Planning Committee for determination the officer recommendation is contrary to that of Longstanton Parish Council and local residents

Major Development

Departure Application

Site and Proposal

1. This full application, received on 25 August 2010, proposes the erection of a convenience store and four retail units with six flats above, the erection of 4 new dwellings with associated stores, garages and parking areas, and the formation of an access, on a 0.265ha area of disused grassland to the west of High Street, Longstanton, immediately to the north of Nelson Crescent.
2. To the west of the site are the side and rear gardens of existing houses in Nelson Crescent and Collingwood Drive. To the north the site abuts a surfaced public footpath, which links High Street to the Home Farm development to the west, beyond which are the gardens of houses in Collingwood Drive and High Street, and a pumping station. To the south of the site, on the other side of the entrance to Nelson Crescent, is a large area of public open space, provided as part of the Home Farm development. To the east of the site, on the other side of High Street, is a planted boundary which forms the rear gardens of properties in Brookfield Drive.
3. The development comprises a 279m² convenience store on the corner of High Street and Nelson Crescent, with four smaller retail units, one with a floor area of 46m², two with floor areas of 65m², and one with a floor area of 68m² fronting High Street linked to the convenience store but in a staggered form, tapering back from High Street, allowing for the provision of a car parking area for 11 cars, including one space for disabled use, in front of the units, which will be accessed direct from High Street. A total of 20 cycle parking spaces are provided at the front of the site.

4. 6 flats are provided above the commercial floorspace, 5 of which will be two bedroom units and the other a three-bedroom unit. The building has a maximum ridge height of 11.3m.
5. A new access roadway will be formed to the rear of the commercial units from Nelson Crescent. This roadway will provide access to the rear of the units and the car parking area for the flats. A total of 10 car parking spaces are provided for the flats. 3 solar panels are provided in the roof of this building.
6. The application also proposes a pair of two and a half storey, 4 bedroom houses adjacent the end of the line of existing houses in Nelson Crescent. A pair of garages, with parking spaces in front, is provided to the rear of the dwellings, and is accessed from the new roadway to the rear of the commercial units. These dwellings have a ridge height of 10.5m. Solar panels are provided in the south facing roofs fronting Nelson Crescent.
7. In addition, the application also proposes two detached 4 bedroom houses to the north of the commercial units, fronting the footpath which leads from High Street to the Home Farm development. Pedestrian access to these properties will be from the footpath, with garages (including a storage area over), provided at the rear, accessed by the new roadway to the rear of the commercial units. These dwellings have a ridge height of 10.5m. Solar panels are provided in the rear facing roofs of these dwellings.
8. The applicant is seeking a mixture of uses for the commercial space which would fall within classes A1, A2, A3, A5 or D1 of the Use Classes Order 1987, as amended.
9. No affordable housing is provided under Policy HG/3, and the applicant has commented that the development would not be viable if affordable housing is included in the scheme. A detailed appraisal has been submitted to support this case.
10. The site is within the village framework. The density of the housing scheme is 37dph.
11. The site is within Flood Zones 2 and 3.
12. The application is accompanied by a Design and Access Statement, Flood Risk Assessment, Energy Statement, Lighting Assessment, Utilities Assessment, Drainage Disposal Statement, Water Conservation Statement, and an Affordable Housing Statement

Planning History

13. Outline planning consent was granted on 16th October 2000 for a 'Comprehensive phased development to provide B1050 Bypass for Longstanton and related road works together with housing (21ha), Business Park (6.3ha), extension to village recreation area (2.8ha), village green including land for local shop and surgery, open space, landscaping and related infrastructure', on land described as being to the west of Longstanton (**Ref: S/0682/95/O**).
14. Condition 29 of that consent requires that 'for a period of 10 years from the commencement of development on any part of the site the Community Site specified on drawing no. E0459/1/K shall not be used or developed for any purpose other than uses falling within classes A1, A3 or D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to those Classes

in any Statutory Instrument revoking or re-enacting that order.’ The reason for the condition was ‘to safeguard land in the centre of the village for essential village services and to reduce the number of journeys out of the village’.

15. Applications for reserved matters were to be submitted within 7 years of the date of approval (October 2000). That period has now lapsed.
16. At the October 2009 meeting an application for a very similar development (**Ref: S/0745/09**) was refused by Members on two grounds. Firstly it was resolved that the introduction of the residential element would result in the loss of part of a site in the centre of the village which is reserved for essential village services in order reduce the number of journeys out of the village. The development would therefore be contrary to the aims of Policy DP/1 and objectives DP/b and DP/c. Secondly it was resolved that whilst evidence had been submitted which demonstrated to the Councils satisfaction that it was not possible to provide 40% affordable housing, as required by Policy HG/3, it had not been satisfactorily demonstrated that the scheme could not provide for a reduced proportion of affordable housing. An appeal was lodged against the decision but was subsequently withdrawn.
17. The current application relates to the ‘Community Site’.

Planning Policy

18. South Cambridgeshire Local Development Framework – Core Strategy – adopted January 2007:
ST/6 – Group Villages
19. South Cambridgeshire District Council – Development Control Policies – adopted July 2007:
DP/1 – Sustainable Development
DP/2 – Design of New Development
DP/3 – Development Criteria
DP/4 – Infrastructure and New Development
DP/7 – Development Frameworks
HG/1 – Housing Density
HG/3 – Affordable Housing
ET/4 – New Employment Development in Villages
SF/2 – Applications for New Retail Development
SF/4 – Retailing in Villages
SF/6 – Public Art in New Development
SF/10 – Outdoor Playspace, Informal Open Space, and New Developments
SF/11 – Open Space Standards
NE/1 – Energy Efficiency
NE/2 – Renewable Energy
NE/6 – Biodiversity
NE/9 – Water and Drainage Infrastructure
NE/14 – Lighting Proposals
NE/15 – Noise Pollution
NE/16 – Emissions
TR/1 – Planning for More Sustainable Travel
TR/2 – Car and Cycle Parking Standards

20. South Cambridgeshire District Council Supplementary Planning Documents

Open Space in New Developments SPD – adopted January 2009

Public Art SPD – adopted January 2009

Biodiversity SPD – adopted July 2009

Landscape in New Development SPD – adopted March 2010

District Design Guide SPD – adopted March 2010

Affordable Housing SPD – adopted March 2010

Consultation

21. **Longstanton Parish Council** recommends refusal.

Context within the Home Farm development

22. The land is designated as a 'Community Site'. It has also been referred to subsequently as the Amenity Use Area'. The outline application called for this land to be used for 'Local Shop and Surgery' (see paragraph one of the Outline Consent). Section 29 of the outline consent of 16 October 2000 required that this land be used for solely for class A1, A3 and D1 development for 10 years from the commencement of development on any part of the site (which was in 2004/5, not 2000). These classes cover shops, cafes, and non-residential institutions. They do not include residences. The reason for this clause was to ensure that there was sufficient infrastructure to support the additional homes.
23. The application therefore is manifestly contrary to the outline consent. In order to justify the deviation from the plan, there must be a compelling benefit to the community. It is reasonable that any 'extra' space on the site is put to good use, and it is therefore reasonable to consider flats atop commercial units. These will provide greater security for the area, as noted in the application.
24. It is much harder to justify the two detached and two semi-detached dwellings. Design and Access Statement section 2.0 indicates that the use classes may be extended to include A2 and A5 (professional services and take-aways). The basis of this statement from SCDC is unclear, given the very explicit designations in the outline consent. Certainly professional services would need to be examined carefully. The purpose was to provide an amenity to the village, not to provide employment or to provide amenity to the larger surrounding area. Estate agents and the like would provide none of the amenity that is required in the village. Take-aways, while amenities, have their own concerns and would need to be agreed rather than imposed upon the village given the clear outline consent limitations. Take-aways would create a nuisance not conducive to the quiet enjoyment of the surrounding residences.
25. *We therefore object to broadening of the classification beyond that in the Outline Consent.*
26. In this same section, there is reference to providing residences to make the site 'viable'. The entity of Home Farm must be considered in viability; the fact that it has been sold in parcels rather than developed as one unit is not of material consideration to planning.
27. In fact, based purely on what is written in section 3.1, it would appear that the initial application had more amenity facilities and therefore may have had more

advantages, with SCDC concerns possibly being overcome with means other than discarding the initial Outline Consent. We cannot, for example, see any justification for a mandate for more houses to 'continue the development line along Nelson Crescent.' That is completely contrary to the outline consent.

28. *We do not support the principle that any dwellings are justified for viability or aesthetic reasons.*

Village Status

29. Longstanton is classified as a Rural Growth village, which generally restricts new development to infill not exceeding 8 dwellings. The current application calls for 10 dwellings contrary to the village classification. Again early engagement with the village would have helped uncover concerns in this area.
30. *We do not support 10 dwellings on this site regardless for this reason alone, aside from any factors favouring or disfavouring residences at all.*

Affect on Village Life

31. A new convenience store will certainly affect the viability of the existing shop in Longstanton. While the Parish Council cannot consider competition as a negative thing in the village, it can consider the adverse effect that any new units may have on the post office. The Post Office acts as a cohesive element in any community and a lifeline for the many elderly residents that live in close proximity to it. Any development that would put its viability at risk must be considered in that light.
32. The village is certainly in need of more amenities such as cafés, pubs, and the like. The current application does not provide the scope for such amenities. On the contrary, it precludes them by using the last space specifically designated for such purposes for units unsuitable for cafés and pubs due to their size.
33. There has been concern from nearby residents that an off licence (or sales from the convenience store) would encourage loitering, noise, and littering later in the evening. We would expect that any licence would have restrictions against the sale of alcohol into the evening. However the Parish Council would submit specific comments and suggested remedies in light of particular applications for the use of the commercial units.
34. Finally, there is concern that there will be too much noise from extractors and air conditioning units at the rear of the commercial units, affecting both existing and proposed residences.
35. *There is insufficient space for the types of amenities needed in the village. There must be some form of restriction that will ensure that Longstanton is not left without a post office.*

Drainage

36. Anglian Water has recently written to the Parish Council to state that they can (and will) do nothing to remedy the existing sewage flooding. They state that they cannot cope with high volumes of surface water entering the drains, and offered no plans for remedy. Any further impervious surfaces will only exacerbate the problem. Current year-on-year evidence is that current sewage flooding is intolerable let alone any further increase.

37. The Drainage Disposal Statement seems to have been written without any knowledge of the continuing sewage problems in the village as noted above. *It is completely unacceptable to drain further surface water into the sewage system as proposed, especially given Anglian Waters' clear statement that they could do nothing to prevent future flooding from surface drainage.*
38. *No construction can be permitted until Anglian Water has improved the infrastructure to cater for the surface run-off that the sewers receive.*

Conclusion

39. Being contrary to section 29 of the Outline Consent for the Home Farm development and being contrary to the infill guidelines for Rural Growth villages, the application must provide a particular added benefit. The current application provides insufficient scope for the types of amenities needed within the village. The additional housing is therefore not justified, *and the Parish Council recommends refusal.*"
40. The **Local Highway Authority** requests that the application be refused in its present format as the inter-vehicle visibility splay to the north encompasses land which is not adopted public highway nor under the control of the applicant and therefore future control of this area cannot be guaranteed. The splay also traverses through the pillars of the bridge to the local brook. The proposed inter-vehicle visibility splay to the south is not shown in full, therefore, the Highway Authority cannot be certain that this splay is unobstructed.
41. Should consent be granted it requests that a condition is attached requiring the submission and approval of a suitable drainage design so that no water from any private areas within the development can drain onto the adopted public highway.
42. It comments that the proposed access to the car park should be a simple dropped kerb rather than being formed in radii kerbs as shown, to give pedestrians clear priority. The proposed height of the 'low brindle battered kerbs' should be shown, and in areas where these are intended to allow pedestrian or cycle usage the face of the kerb should not exceed 6mm. The location of the bin stores and cycle parking for the private dwellings should be shown as in the past poorly located bin stores have been shown to lead to bins being stored on the adopted public highway which represents a potential hazard for footway users. As Longstanton now has a bypass through traffic is relatively light therefore well located cycle parking will encourage the use of this sustainable mode of transport for short to medium length trips were walking may not be considered acceptable.
43. The **Urban Design Team** comments as follows:
44. The addition of a further retail unit has reduced the space between unit 4 and plot 9, and the resulting 'garden' space belonging to plot 9 has become unusable and dark.
45. The addition of the hipped roof over unit 4 has upset the balance achieved by the previous submission and does not read well as it begins part way across. Removing the hipped roof and reverting to the straight ridgeline as per the previous submission would solve this.
46. In terms of massing the height of units 2,3 and 4 and the 2 detached dwellings adjacent to this block should be reduced. Reducing the height of the ridge will reduce

the steep pitches more in keeping with the adjacent buildings and this would reduce the overall scale that the development will have on the street scene.

47. The height of the screen wall in front of plot 9, at 1.65m, is unacceptable. It should be no taller than 1m
48. The cycle parking in front of the building leaves cyclists in a vulnerable position where cars could shunt forward and hit someone locking up a bike. It should be moved away from car parking spaces so they are safer, especially for children.
49. Amended plans are requested
50. The **Housing Development and Enabling Manager** comments that consultants have been appointed by the Council to look at the viability of this scheme in terms of delivering affordable units as part of the overall scheme. Negotiations are continuing but the payment of a commuted sum would be supported although affordable units on the site would be accepted provided that this does not affect the overall viability of the scheme.
51. The **Acting Environmental Health Manager** notes that the proposals may include uses within Classes A1, A2, A3, A5 and D1, which may include food premises such as a takeaway and or restaurant, and that the proposed development will be in close proximity to existing residential property. On balance there is no objection in principle to the application but there are a number of environmental health issues which need to be carefully considered and appropriately controlled to protect the amenity and health of the proposed and existing residential units and other premises.
52. It is therefore recommended that a series of conditions are attached to any consent controlling noise and dust during the construction phase; noise impact of retail/commercial premises on proposed and existing residential premises; operational odour generation and impact, and artificial lighting.
53. It is suggested that a number of informatives are attached to any consent giving guidance on what will be required to satisfy the various conditions.
54. In respect of comments raised by Anglian Water in respect of the proximity of its pumping station to the new development (see below), it is noted that there are existing residential properties as close or closer than the proposed development and there are no records of any complaints. It is felt that the pumping station is unlikely to have an impact on amenity and/or cause statutory nuisance in terms of odour and noise.
55. **Anglian Water** has not commented on the current application. In commenting on the earlier application it stated that that the site is within an area where there are no public foul sewers within the vicinity of the development. However there is a private foul sewer currently under a Section 104 adoption agreement that may be able to accommodate the foul flows from the development. The owners therefore need to be approached for comments on available capacity.
56. The foul drainage from the development will be treated at Over Sewage Treatment Works that at present has available capacity for these flows.
57. It points out that the development site is within the 15 metre cordon sanitaire of a pumping station. Whilst it takes all reasonable practicable steps to prevent any nuisance arising from the site, it is nevertheless prudent that there should be no new

development within 15 metres if the development is potentially sensitive to odour or other nuisance, or which might give rise to complaints from the occupiers regarding the location of the pumping station.

58. The **Environment Agency** comments that it has been previously consulted with the submitted Flood Risk Assessment (FRA) in respect of the previous application and it has essentially not changed from when the FRA was found to be acceptable for that proposal. It therefore has no objection provided similar conditions/informatives to those previously suggested are attached to any consent.
59. Conditions should require that the floor levels of the retail units and convenience store should be set no lower than 7.30m above Ordnance Datum Newlyn (ODN) unless otherwise agreed; the floor levels of any garages should be set no lower than 7.08m above ODN unless otherwise agreed; submission of scheme for surface water drainage; submission of amendment to the remediation strategy for approval if any contamination, not previously identified, is found to be present on the site
60. The **Ecology Officer** states that no specific scheme of ecological enhancement is required for this site due to the high density, limited landscaping and presence of mainly retail units. Landscaping will provide some limited biodiversity opportunities.
61. The comments of the **Landscapes Officer** , and the **Environment and Operations Manager**, will be reported at the meeting.

Representations

62. 12 letters have been received from the occupiers of **Nos 6, 12, 16, 20, 24 and 26 Nelson Crescent, 37 and 42 Collingwood Drive** and **58 and 62 Stevensons Road** objecting to the application. The objections can be summarised as follows:
63. Erection of 4 dwellings and 6 flats does not fit the planning application remit which has set aside the land for "Community Site" or Village Amenity Use Area. There is a 10-year planning covenant on the land, due to expire in 2015, restricting the use to amenity purposes – housing is not an amenity.
64. The detached house design would afford view into the gardens and windows of several homes in Stevensons Road such as numbers 60, 62 and 64, leading to loss of privacy.
65. The application states that the four smaller units will be occupied by A1, A2, A3, A5 or D1 uses in accordance with the original outline consent. This is clearly not a true statement as the outline consent says the land should be used for no purposes other than A1, A3 or D1. The new planning statement gives a reason why A2 has been included but it is silent about the addition of A5 – takeaway food – a use which would be objected to in the strongest possible terms by the local community. Any retail units being adopted for the purposes of a take-away shop would create a nuisance in terms of noise, smell and litter pollution and spoil the quiet enjoyment of the surrounding residences.
66. 9 car parking spaces for the convenience store and 4 retail units is too low and barely sufficient to cover for the parking provision of staff let alone customers. There is no specific parking provision for employees. This will result in parking alongside existing residences and blocking access to private driveways in Nelson Crescent. Vehicles parking along Nelson Crescent will not be able to turn without encroaching on private property due to the narrowness of the road. It will also lead to parking along High

Street, blocking the pavement and reducing traffic to a single lane. There is concern that this may restrict access for emergency services vehicles.

67. The Cooperative store in Willingham has 28 parking spaces and at the weekend it is not unusual for all the spaces to be occupied.
68. The garages for the semi-detached homes will not accommodate cars due to their size and lack of storage space within the dwellings. The driveways for these homes are too small to support the two cars that a 4-bed home is likely to have. This will result in more parking along Nelson Crescent.
69. Allowing for one space per residential unit proposed ten parking spaces are required. Will these have to be taken off the parking for the shops?
70. If deliveries take place at the rear of the shops, adjacent to the play area, and as the flats have no gardens, it is likely that children will frequently be crossing from the proposed new dwellings to the play area. Coupled with the narrowness of the road there is a significant safety issue concerning the delivery of goods. Should deliveries take place from High Street there is no provision for parking. On this basis delivery areas do not appear to have been catered for at neither the front nor rear of the shops.
71. Nelson Crescent is not suitable for access by lorries and there is nowhere to turn around. Parking on High Street would be hazardous as there is a pedestrian crossing adjacent the site, although this is not shown on the site plan. It would also block visibility from Nelson Crescent. This area is now used as a route for parents and children to walk to Hatton Park Primary School.
72. Since the Longstanton By-Pass has opened through traffic has decreased dramatically and therefore the school run is much more enjoyable without HGV lorries to contend with, which was very worrying with small children on bikes etc, as well as being noisy.
73. Concern that an off licence (or sales from the convenience store) would encourage loitering, disruptive behaviour, noise and littering later in the evening, especially around the Nelson Crescent play area and spoil the quiet enjoyment of surrounding properties.
74. There will be too much noise from extractors and air conditioning units at the rear of the commercial units, affecting both existing and proposed residences.
75. Noise disturbance will be exacerbated by late night shopping and Sunday opening which will cause stress and impact on the quality of life of nearby residents.
76. The design of the shops, which are situated right across the High Street pavement, is totally out of character with existing residences and other commercial properties in the village which are typically set well back from the pavements and roads. The position, size, design and external appearance would be an intrusive development, out of character with surrounding development in the locality and harmful to the appearance of the surrounding street scene.
77. The need for an additional convenience store and retail units in the village is questioned given that there was a store in the village which has stood disused for many years and has recently been converted to a dwelling. In addition Cambridgeshire's largest Tesco's superstore is located in neighbouring Bar Hill as

well as a Cooperative Supermarket in neighbouring village Willingham. Furthermore, a Post Office/Convenience Store already exists on the same road in Longstanton, the viability of which will be threatened by the proposed development. There is also a vets, dentist and a Chinese takeaway in the village. There is therefore concern that the addition of a further convenience store and retail units will site disused and neglected for a number of years to come.

78. The convenience store and retail units will result in adverse lighting at night thereby creating a nuisance to local residences.
79. Noise at all hours from delivery vehicles.
80. It is understood that Anglian Water has recently been in contact with the Parish Council to say that it is unable to remedy the existing sewage flooding in the village. It appears that Anglian Water cannot cope with the high volumes of surface water entering the drains, and had no plans to implement a remedy. This situation is totally unacceptable to local residents, and additional impervious surfaces will only exacerbate the problem. There should be no further development until the problem has been sold.
81. Additional flood risk as the site is adjacent a stream and in a flood plain.
82. Any building on the proposed site would leave the village deficient of a public green open space. There is insufficient provision of quality amenity space on the site.
83. The original decision to refuse should be upheld in respect of this unrevised application.
84. Serious overdevelopment of the site.
85. Disruption from construction noise and traffic.
86. There is concern that the application states that the applicant has undertaken significant consultation with both the Local Planning Authority and Parish Council however at a recent Parish Council meeting it was publically stated that there had been no communication between the applicants and the Parish Council since the Parish Council recommended refusal of the previous scheme. It appears that there is an attempt to portray this application as having the support of the Parish Council and the local population, when clearly it has the support of neither.
87. Concern at the possibility of litter dropping and youths gathering outside the convenience store and causing damage to the adjacent green area, particularly if alcohol is served.
88. The two new houses that will be located on Nelson Crescent are totally different in style to existing dwellings.
89. The attraction of shops will bring traffic back into the village which will significantly increase risk to residents.
90. The development proposed is inappropriate for this site with unacceptable consequences on the local infrastructure i.e. character, noise, traffic, pollution, open space, loss of light, wildlife, safety, transport, loss of privacy and, parking.

91. One letter, from the occupier of **16 Duddle Drive**, supports the application on the basis that a local store for emergency shopping will be far better and sustainable than having to travel.

Planning Comments – Key Issues

92. The outline planning consent for the Home Farm development, granted in 2000, accepted that this area of land would be developed for the uses specified in Condition 29 of that consent. In assessing the current application the key issues for Members to consider are land use; scale of development; visual impact on the character of the area; access and car parking; affordable housing; neighbour amenity; drainage and; open space.
93. Members should be mindful that the previous application, which was very similar in scale, form and layout was refused only on the two grounds referred to under Planning History above.

Land Use

94. This application is submitted as a full application and should be considered on its merits. As a full application it is not bound by the conditions attached to the outline consent. Whilst the time limit to submit reserved matters has expired, Condition 29 of the outline consent restricting the uses on the site remains extant. However the condition is only effective for a period of 10 years from the commencement of any part of the development on the whole site. From information supplied by the Building Control Section it would appear that work on Stage 1 of the Home Farm housing development commenced in July 2005, however Condition 29 stated that the period of 10 years was to run from the commencement of development on any part of the site.
95. The outline application included, in addition to the housing element, the B1050 Bypass for Longstanton and related road works. Condition 11 required the provision of a haul road and it would appear that work on this commenced in the second half of 2003. I am therefore of the view that Condition 29 only remains in effect until the second half of 2013.
96. The application contends that in order to provide a viable scheme for the commercial development of the site the provision of residential accommodation is required. A financial appraisal of the development has been supplied to officers to support this position.
97. There is no requirement within the existing outline planning consent for the community site to be developed, and there is therefore a possibility that the site could remain in its current undeveloped state, if a viable scheme for development is not supported. After the expiry of the 10 year period, which is now just over 2 years away, any future application for development of the site would have to be judged against relevant policy at that time, but would not be necessarily obliged to provide any of the uses for which the land was reserved in the outline consent.
98. I am therefore of the view that if the introduction of some residential development on the site will help to bring forward a viable scheme, which will include some, or all of the uses originally envisaged, it should be considered as an appropriate way forward.

99. I am aware that Members previously did not accept this argument and reason of refusal 1 reflected this. I am of the view that given it now appears that Condition 29 of the outline consent ceases to have effect in 2013 that the principle merits further consideration if there is a desire to ensure that the site is developed by a scheme which includes the uses originally envisaged
100. There has been local concern about the possibility of a takeaway being introduced into the commercial units (Class A5). Members should note however that when outline planning consent was granted in 2000 the definition of an A3 use at that time, permitted as one of the possible uses, 'the sale of food or drink for consumption on the premises or of hot food for consumption off the premises'. A separate use class for takeaways was introduced when the Use Classes Order was amended in 2005. As such the potential for a takeaway use was accepted at the time of granting the original outline consent. The introduction of an A2 use is new.

Scale of Development

101. The application proposes the erection of ten dwellings as part of the mixed-use scheme. Policy ST/5 of the Local Development Framework Core Strategy identifies Longstanton as a Group Village (not a Rural Growth village as referred to in the Parish Council comments). This states that within village frameworks schemes for residential developments up to an indicative maximum size of 8 dwellings may be permitted, although exceptionally development of up to about 15 dwellings may be permitted, where this would make best use of a single brownfield site.
102. The site cannot be considered as brownfield and therefore the application has been advertised as a departure from the Development Plan. The applicant argues that the number of dwellings proposed is required in order to bring forward a viable mixed-use development, and given the potential benefits to the village in bringing forward the proposed commercial element of the scheme I do not object to the additional two dwellings as a matter of principle. I am of the view that the application would not need to be referred to Go-East.

Affordable Housing

103. Policy HG/3 seeks to secure 40% or more of the total number of dwellings provided as affordable housing, although it states that within individual developments the proportion and type of affordable housing will be the subject of negotiation with applicants and that account will be taken of any particular costs associated with the development and other viability considerations. In this case the applicant has stated that the scheme is not viable if the scheme provides the 4 affordable units as required under Policy HG/3, and a detailed financial appraisal has been submitted to support this claim.
104. The text of Policy HG/3 indicates that it would not be appropriate to look for a financial contribution towards affordable housing in lieu of built provision in major developments and this application has been advertised as a departure from the development plan
105. There have been ongoing discussions with the applicant since the refusal of the original application regarding the viability appraisal of the scheme, in particular in agreeing the methodology to be employed. It would appear that there is now agreement on this point, although there remains some debate about the figures to be used for residential sales values and commercial yields. The consultant acting for the Council has put forward a figure for an initial commuted sum of £71,640 to the

applicant, but has stressed that this is very much based on an assessment of existing market conditions. This figure is for affordable housing only and excludes an additional payment of £31,364 as an off-site open space contribution. It is therefore suggested that any agreement contains an escalator provision that would allow the Council to secure a higher sum, subject to an agreed limit in total of £377,201, should market conditions improve.

106. The applicant has responded by offering a total figure of £50,000 (affordable housing and open space contribution). The applicant does not feel that an escalator provision is appropriate for a development of this scale but has suggested that a condition could be imposed on any consent requiring implementation within 12 months, to help address concerns that might arise should market conditions change within the normal 3 year life of a planning consent.
107. The sum offered by the applicant is below that suggested by the Council's consultant, however I am aware that there is still some disagreement between the parties over the residential sales values and commercial yields, and this is the main reason for this difference.
108. The applicant has also expressed concern that the open space contribution being requested has been double counted in the Council's assessment and that this has had the effect of creating a greater difference between the two figures. I will update members on this point.
109. I am disappointed that the applicant has not been able to agree to the inclusion of an escalator provision. In order to facilitate this development, should Members be prepared to approve, the Council would be departing from its affordable housing guidance by accepting a commuted sum in lieu of affordable housing on a major development and, having had regard to the viability assessment, agreeing a significantly reduced commuted sum. I am of the view however that the suggestion that the consent is limited to 1 year goes some way to offsetting this concern, although the wording of such a condition will need to be agreed to prevent a technical implementation being made and then not taken forward.

Visual Impact on the Character of the Area

110. The design of the earlier scheme (S/0745/09) had been influenced by the input from the Council's Urban Design Team and design was not one of the two reasons of refusal of that application. The general form of the development proposed will sit well in the street scene, although the height of the buildings, which rise to just over 11m for a section of the buildings fronting High Street will be above that of the existing development in the surrounding residential developments.
111. The comments of the Urban Design Team have been discussed with the applicant and amended plans are to be submitted which will be addressed in the update report
112. If the scheme is amended to take account of the concerns of the Urban Design Team I am of the view that this aspect can be supported.

Access and Car Parking

113. The Local Highway Authority has expressed concern that the visibility splay from the High Street entrance crosses third party land and is therefore not within the applicant's control, although this does not appear to have changed from the arrangement shown in the earlier application. The applicant is addressing this

concern direct with the Local Highway Authority and I will update Members at the meeting, however the solution may result in the loss of a car parking space.

114. The Council's adopted car parking standards would indicate that the maximum level of car parking that should be provided on the site to serve the commercial uses proposed is 34 (based on all units being food shops). The amount of parking available on site for parking for the commercial uses is 11 spaces and is therefore significantly below the maximum requirement.
115. In negotiations over the design and scale of the scheme the Urban Design Team has sought to reduce the number of car parking spaces provided within the site, in an attempt to avoid a layout which would otherwise be potentially visually dominated by such provision.
116. The applicant has argued that the commercial uses envisaged for the site will predominately serve the immediate community and therefore many people will be able to walk or cycle to the site, thereby reducing the need for on-site parking provision. 20 cycle parking spaces are provided on the site to encourage people to travel to the site by methods other than the car.
117. In my view the level of car parking provided is towards the minimum that should be considered, however it is difficult to see how additional on-site parking could be provided without a reduction in the amount of commercial floorspace provided, or a reduction in the number of residential units, both of which may affect the viability of the scheme as a whole.
118. There is concern that the lack of parking will lead to additional parking in Nelson Crescent, and that delivery vehicles will cause traffic problems in Nelson Crescent and be a potential danger to children using the adjacent open space.
119. There is no formal area for turning within Nelson Crescent, however the applicant has provided a drawing to the Local Highway Authority demonstrating that a delivery vehicle using the parking area provided within the new development will be able to turn out of the site into Nelson Crescent and leave in forward gear. A condition can be attached to any consent restricting the hours of deliveries.
120. The application envisages that only deliveries to the convenience store will be via the rear access and that these should probably be no more than two a week.

Neighbour Amenity

121. The issues of the impact of the development on neighbour impact should be assessed both in terms of the impact from the residential development and commercial units.
122. In terms of the impact of the residential elements of the scheme concern has been expressed about the potential overlooking of properties in Collinwood Drive and Stevensons Road and their gardens. The proposed flats above the commercial units are between 13m and 20m from the rear boundary of the gardens with Nos 42 and 44 Collingwood Drive, with a distance of between 21m and 30m from building to building.
123. The first floor windows in the rear elevation of Flat 8, which look towards the rear of the houses in Collingwood Drive, serve a kitchen and bedroom. These windows are a minimum of 16m from the boundary.

124. The first floor windows in Flat 7 which look towards the rear of the houses in Collingwood Drive, also serve a kitchen and bedroom. The kitchen window is one of two serving that room and be required to be obscure glazed by condition. The bedroom window will be 14m from the boundary.
125. A landing window in the access stairway which serves Flats 8 and 9 may have the potential to overlook the rear of the properties in Collingwood Close, but this window can be obscured glazed by condition.
126. I am of the view that the distance from the rear first floor windows of the proposed detached house on Plot 10 (15m) to the gardens of houses in Stevensons Close, and the relative positions of the dwellings, is sufficient to prevent any unreasonable loss of amenity to the occupiers of these properties from overlooking.
127. I do not consider that the proposed development will have an unreasonable impact on light to adjacent properties.
128. Regarding the impact of the commercial units I have commented earlier on the possible use of one of the units as a takeaway and that such a use would have been permitted under the terms of the original outline consent. The Acting Environmental Health Manager does not object to such a use in principle but requires conditions to be included in any consent to secure odour and noise control. Conditions controlling opening hours and delivery hours are also suggested, and should be included in any consent.

Drainage

129. The Environment Agency previously agreed the Flood Risk Assessment submitted by the applicant. As conditions of any consent it suggests minimum finished floor levels and the finished floor levels shown on the submitted drawings comply with the requirement of the Environment Agency
130. Anglian Water did not object to the previous application, commenting that there is sufficient capacity at the Over Sewage Treatment Works.
131. Conditions can be attached to any consent requiring the submission of a scheme for foul and surface water drainage for approval.

Open Space

132. An area of informal space has not been provided within the site, however given the mixed nature of the development and its location immediately to the north of an existing area of open space, I am of the view that a contribution towards off-site provision is appropriate in this case, and should be a figure of £31,364.46. The applicant's offer of £50,000 is a contribution for both affordable housing and open space, and it would be for the Council to decide how this figure is split.

Other Matters

133. The impact of the proposed development on the viability of existing commercial enterprises in the vicinity is not a material planning consideration in considering a development of the scale proposed.

134. The applicant has submitted an Energy Statement, which concludes that a scheme for solar water heating can best meet the objectives of Policy NE/3 in this case. Details of the scheme can be secured by condition.
135. The Ecology Officer does not require a biodiversity assessment in this case.
136. I agree with the Parish Councils comment that a condition should be included in any consent regarding the timing of development to ensure that the commercial units are brought forward at the same time as the residential development.
137. I will update Members at the meeting on the receipt of amended plans aimed at addressing the concerns of the Urban Design Team and Local Highway Authority.

Conclusion

138. Members will need to take a view as to whether the current application has adequately addressed the two reasons for refusal of the earlier application.
139. I have set out above my view that, given that the condition on the outline consent which reserves this site for 'communal uses' remains extant for a further period of less than 3 years, which is less than that envisaged when considering the previous application, it may be reasonable to accept this application as providing an opportunity to ensure that the commercial uses come forward on the site.
140. Although there is still not complete agreement between the Council's consultant and the applicant over the appropriate commuted sum I am of the view that the differences between the two parties, which is primarily due to the interpretation of projected commercial yield from the scheme and market value of the residential units, is such that this is now a matter of opinion as much as fact. It is likely however that the sum offered of £50,000, if accepted, would predominately be used for affordable housing provision and the amount available for transfer to the Parish Council for an open space contribution will be significantly below the £31,364.46.
141. Members will have to balance the desirability of bringing forward these commercial uses, and the benefits this may bring for the community, against the introduction of residential accommodation on the site and accepting the lower commuted payment offered for affordable housing and open space.
142. I am of the view, on balance, that if the detailed issues can be satisfactorily addressed, the scheme can now be supported as it achieves a viable proposal which will bring forward the uses on the site which were envisaged in the outline consent.

Recommendation

143. That delegated powers of approval be granted subject to the receipt of satisfactory amended plans and safeguarding conditions, including the following
1. **Time limit – 1 Year – wording to be agreed**
 2. **The development hereby permitted shall be carried out in accordance with the following approved plans: 16401/103B; 104A, 105A, 106B, 107A, 1006, 1008A,**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

- 3. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- 4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.**

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- 5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- 6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment [for each dwelling] shall be completed before that/the dwelling is occupied in accordance with the approved details and shall thereafter be retained.**

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- 7. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.**

(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)

- 8. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.**

(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
- 9. No construction work and/or construction collections from or deliveries to the site shall take place, other than between the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 hours on Saturdays unless previously agreed in writing with the Local Planning Authority. No construction works or collections/deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise previously agreed in writing by the Local Planning Authority.**

(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- 10. No development shall commence until a programme of measures to minimise the spread of airborne dust (possible wheel washing and dust suppression provisions) from the site during the construction period or relevant phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved details unless otherwise previously agreed in writing by the Local Planning Authority.**

(To protect the amenities of nearby residential properties in accordance with Policies DP/6 and NE/15 of the adopted Local Development Framework 2007.)
- 11. Before the development/use, hereby permitted, is commenced, a noise assessment of the building(s) (other than residential) and/or associated plant and equipment and a scheme for the insulation as necessary, in order to minimise the level of noise emanating from the said building(s) and/or plant/equipment shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details in perpetuity and shall not be altered without the prior written approval of the Local Planning Authority.**

(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- 12. No development shall commence until full details of a scheme of sound insulation between any retail, food or commercial (any premises class use other than residential) and residential uses within the same building – the apartment building, has been submitted to and approved in writing with the Local Planning Authority. The scheme shall subsequently be implemented and maintained in strict accordance with the approved details in perpetuity and shall not be altered without the prior written permission of the Local Planning Authority.**

(Reason - To minimise noise disturbance for residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

- 13. No collection of refuse or recyclates arising from any retail, food or commercial uses shall take place outside the hours of 0700 to 2100 Monday to Saturday, and shall not take place at all on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.**
(To protect the amenities of nearby residential properties in accordance with Policies DP/6 and NE/15 of the adopted Local Development Framework 2007.)
- 14. No vehicles associated with any retail, food or commercial units shall be loaded or unloaded outside the hours of 0700 and 2100 on Monday to Saturday, and shall not take place at all on Sundays, Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.**
(To protect the amenities of nearby residential properties in accordance with Policies DP/6 and NE/15 of the adopted Local Development Framework 2007.)
- 15. Restriction on the hours of opening times of the retail and commercial uses. 0700 hours to 2300 hours Monday to Saturday, 2100 on Sunday (to be discussed with applicant)**
- 16. No individual retail or commercial unit shall be first occupied, and shall not be occupied by each subsequent occupier, until details of equipment for the purpose of extraction and/or filtration and/or abatement of fumes and/or odours, or air conditioning, has been submitted to and approved in writing with the Local Planning Authority. The approved extraction/filtration/abatement scheme/s shall be installed before the use hereby permitted is commenced and shall thereafter be maintained for the duration of that use. Any approved scheme /system shall not be altered without the prior written approval of the Local Planning Authority.**
(Reason – To protect the occupier of adjoining dwellings from the effect of odour, dust or fumes in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)
- 17. Prior to the commencement of the development a lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting and security lighting, shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its prior written consent to variation. No lighting shall be installed on the site other than in accordance with the approved scheme.**
(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
- 18. Ground floor levels of any part of the residential development shall be set no lower than 7.40 metres above Ordnance Datum Newlyn (ODN) unless otherwise agreed in writing with the Local Planning Authority.**

(Reason – To protect the development from flooding in extreme circumstances.)

- 19. Floor levels of any retail units and the convenience store shall be set no lower than 7.30 metres above Ordnance Datum Newlyn (ODN) unless otherwise agreed in writing with the Local Planning Authority.**

(Reason – To protect the development from flooding in extreme circumstances.)

- 20. Floor levels of any garages shall be set no lower than 7.08 metres above Ordnance Datum Newlyn (ODN) unless otherwise agreed in writing with the Local Planning Authority.**

(Reason – To protect the development from flooding in extreme circumstances.)

- 21. If, during development, contamination not previously identified is found to be present at the site 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 an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.**

(Reason – To prevent the increased risk of contamination or migration of contaminants to the water environment.)

- 22. No development shall begin until details of a scheme for the provision of affordable housing and recreational infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policies HG/3 and SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.**

(Reason - To ensure that the development contributes towards affordable housing, recreational and educational infrastructure in accordance with the above-mentioned Policies and Policy DP/4 of the adopted Local Development Framework 2007.)

- 23. Notwithstanding the submitted details, no development shall commence until a scheme for the on-site generation of renewable energy has been submitted to and approved in writing by the Local Planning Authority.**

The scheme shall include:

- **Details of the predicted energy requirements of the development, hereby permitted;**
- **Details of the measures for the on-site generation of at least 10% of the predicted energy requirements of the development, hereby permitted;**
- **Details of the provision for future monitoring of the energy requirements of the development and the energy output from the renewable energy generation measures;**
- **A timetable for the implementation of all necessary works.**

The scheme shall be fully implemented in accordance with the approved details and the timescales contained therein unless otherwise agreed in writing by the Local Planning Authority.

(Reason – In the interest of reducing greenhouse gas emissions in accordance with Policy NE/3 of the adopted Local Development Framework 2007.)

- 24. Prior to the commencement of the development, hereby permitted, a water conservation strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented.**

(Reason – To comply with Policy NE/12 of the adopted Local Development Framework 2007.)

+ Highway conditions
Timing/phasing of development
Obscure glazing to specified openings
Control of mix of commercial units

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/1463/10, S/0745/09/F and S/0682/95/O

Case Officer: Paul Sexton – Principal Planning Officer
Telephone: (01954) 713255