

<b>Application Number</b>	18/0164/FUL	<b>Agenda Item</b>	
<b>Date Received</b>	1st February 2018	<b>Officer</b>	Charlotte Burton
<b>Target Date</b>	29th March 2018		
<b>Ward</b>	Cherry Hinton		
<b>Site</b>	Land To The North Of Cherry Hinton Caravan And Motorhome Club		
<b>Proposal</b>	Relocation of agricultural access onto Limekiln Road.		
<b>Applicant</b>	Blanton Ventures Ltd and Neston Court Ltd		

SUMMARY	<p>The development accords with the Development Plan for the following reasons:</p> <p>The agricultural access would be acceptable in terms of highway safety, impact on trees and wildlife, and impact on residential amenity.</p> <p>The access would not significantly harm the semi-rural character of Limekiln Road.</p>
RECOMMENDATION	APPROVAL

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

- 1.1 The site comprises a field to the rear of properties on the southern side of Queen Edith's Way and includes a wedge connecting to the western side of Limekiln Road. This wedge forms part of the development site which has permission for one detached four bedroom property (17/0260/FUL) and is associated with the wider development of a further three detached properties further north within the former quarry to the rear of No. 268 Queen Edith's Way (16/1919/FUL).
- 1.2 The site of the proposed access currently consists of scrub and trees which are covered by a group tree preservation order. The site is not within a conservation area and is not within the Cambridge Green Belt. The adjacent land to the south forms part of the Cambridge Caravan and Motorhome Site, which is

within the Green Belt and is a Site of Special Scientific Interest (SSSI) and Local Nature Reserve. There is a current planning application for the creation of a secondary access point for the caravan site which is pending determination (17/1416/FUL).

## **2.0 THE PROPOSAL**

- 2.1 The proposal is for the creation of an access from Lime Kiln Road into the agricultural field to be used for agricultural purposes. This is to replace the previous access to the field which was located within the development site to the north. The purpose is to retain access into the field for maintenance and operational purposes.
- 2.2 The access would be 5.5m wide and would extend into the site for approximately 10m (as amended during the course of the application) where it would be gated. It would be surfaced with buff coloured crushed aggregate. Vehicle visibility splays would be provided in both directions along Limekiln Road.

## **3.0 SITE HISTORY**

- 3.1 The relevant site history comprises:

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
17/060/FUL	Erection of one 4 x bed dwelling along with access, car and cycle parking and associated landscaping, Land Rear Of 268 Queen Edith's Way	Approved subject to conditions
16/1919/FUL	Erection of 3. No four bed houses, internal access road, car and cycle parking, hard and soft landscaping, Land Rear Of 268 Queen Edith's Way	Approved subject to conditions
15/0596/FUL	Erection of 3No. five bed houses, internal access road, car and cycle parking and hard and soft landscaping, Land Rear Of 268 Queen Edith's Way	Allowed at appeal

## 4.0 PUBLICITY

4.1	Advertisement:	Yes
	Adjoining Owners:	Yes
	Site Notice Displayed:	Yes

## 5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2006 policies, Supplementary Planning Documents and Material Considerations.

### 5.2 Relevant Development Plan policies

PLAN		POLICY NUMBER
Cambridge Plan 2006	Local	3/1 3/2 3/3 3/4 3/7 3/11 4/3 4/4 4/6 4/13 4/15 8/2

### 5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

Central Government Guidance	National Planning Policy Framework March 2012  National Planning Policy Framework – Planning Practice Guidance March 2014  Circular 11/95 (Annex A)
Supplementary Planning Guidance	Sustainable Design and Construction (May 2007)
Material Considerations	<u>City Wide Guidance</u>  Arboricultural Strategy (2004)  Biodiversity Checklist for Land Use Planners in Cambridgeshire and Peterborough (March 2001).

	Cambridge Landscape and Character Assessment (2003)
	Cambridge City Nature Conservation Strategy (2006)
	Criteria for the Designation of Wildlife Sites (2005)
	Cambridge City Wildlife Sites Register (2005)

#### 5.4 Status of Proposed Submission – Cambridge Local Plan

Planning applications should be determined in accordance with policies in the adopted Development Plan and advice set out in the NPPF. However, after consideration of adopted plans and the NPPF, policies in emerging plans can also be given some weight when determining applications. For Cambridge, therefore, the emerging revised Local Plan as published for consultation on 19 July 2013 can be taken into account, especially those policies where there are no or limited objections to it. However it is likely, in the vast majority of instances, that the adopted development plan and the NPPF will have considerably more weight than emerging policies in the revised Local Plan.

For the application considered in this report, there are no policies in the emerging Local Plan that should be taken into account.

## 6.0 CONSULTATIONS

### **Cambridgeshire County Council (Highways Development Management)**

Initial comment 02.02.2018

- 6.1 The width must be increased at the access to 5.5 metres to allow easier manoeuvring off and onto the carriageway, and the distance to the gate increased to 10 metres from the channel line of the carriageway

### Comment on revised drawings

- 6.2 Previous comments have been resolved. The proposed access is suitable for use as an agricultural access, subject to conditions on no unbound material, removal of permitted development rights for gates, construction specification, adequate drainage measures, visibility splays, restoration of redundant kerb and access width.

### **Environmental Health**

- 6.3 The site is part of an area formerly used as gravel pit extraction. However, the proposed scheme does not include any enclosed structures or use of soft landscaping, therefore information relating to contaminated land is not required. No objection subject to standard construction hours condition.

### **Sustainable Drainage Engineer**

- 6.4 Acceptable subject to all new or altered surfaces should be of permeable construction.

### **Biodiversity Officer**

#### Initial comment 23.02.18

- 6.5 A Phase 1 habitat and Protected Species Scoping survey of the site and surroundings is required.

#### Comment on information submitted 29.03.18

- 6.6 No objection subject to condition to prevent external lighting and nesting bird informative.

### **Landscape Officer**

#### Initial comment 16.02.18

- 6.7 Limekiln Road forms an important edge to Cambridge as it is the boundary between settlement and rural countryside. Disintegration of this edge has been resisted in the past and the latest development was required to enhance it in order to strengthen this edge as a buffer. The boundaries of the site are

covered by group TPOs which exist for the purpose of protecting the vulnerable buffer.

The area identified for access is instrumental in providing landscape buffering and ecological connectivity for the new development within the back land at 268 Queen Edith's Way. Although the intended use as described would be low in incidence, there is no way to reduce the impact of an access at this point. It would cause harm to the green edge of Limekiln Road and remove required buffering for the approved development.

A tree survey and Arboricultural Implications Assessment are required to understand the impact on existing trees.

#### Additional comment 19.03.2018

- 6.8 The submitted tree survey extract does not identify the Group of trees or existing hedge along Limekiln Road which will have to be removed to enable the access. If reference is made to the tree survey accompanying application 17/0260/FUL from which the extract submitted was taken this aligns with G004 and H001. There is also as yet unimplemented planting to consider from the same application 17/0260/FUL which further strengthen the Limekiln Boundary and which would have to be removed to allow the access.

The access is immediately adjacent to the property approved for application 17/0260/FUL. There is an impact to the amenity of this home due to the change in the boundary relationships. The 10m clear access moves the perceived boundary to the top of the retaining wall and the building itself rather than the surrounding hedges, trees and vegetation. Whilst it is unclear where the garden boundary exists for the dwelling, we have assumed it lies in the same alignment as the house's southern wall and the retaining wall rather than encroaching onto any of the land at the top of the bank.

#### **Tree Officer**

#### Initial comment 28.03.18

- 6.9 No objection subject to conditions for Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP). Minor impact

on trees root protection areas immediately adjacent to the site, which should be protected during construction.

Additional comment 05.04.2018

- 6.10 No adverse impact on significant trees within the visibility splays and from the use of the access into the field on trees within the field.
- 6.11 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

## **7.0 REPRESENTATIONS**

- 7.1 The owners/occupiers of the following addresses have made representations objecting to the proposal:

- 137 Queen Edith's Way
- 220 Queen Edith's Way
- 222 Queen Edith's Way
- 234 Queen Edith's Way x2
- 236 Queen Edith's Way
- 240 Queen Edith's Way
- 242 Queen Edith's Way
- 244 Queen Edith's Way
- 249 Queen Edith's Way
- 260 Queen Edith's Way
- 266 Queen Edith's Way

- 7.2 The representations can be summarised as follows:

- Highway safety concerns relating to proposed use by agricultural vehicles. Unsuitable for large vehicles, turning would be dangerous.
- Impact on SSSI and protected trees.
- There is no demonstrable need for agricultural access as the paddock has not recently been used for agricultural or horticultural purposes. The application is disingenuous and the applicant is seeking access in order to develop the field. Such development would harm the area, the environment, the local highway network and highway safety, and residential amenity.

- The type and frequency of access will be significantly different from what the applicant claims. Consequently the conclusion by the Highways Department that there will be no material effect on the traffic flow on Limekiln Road is incorrect.
- Notification of the application should have been sent more widely.

7.3 The application has been called in to planning committee by Councilor Ashton on the grounds raised in the third party comments.

7.4 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Highway safety
5. Third party representations

### **Principle of Development**

8.2 The site is not within the Green Belt and creating a new agricultural access is acceptable in this location in principle. Third parties have raised concerns that the proposed agricultural use is disingenuous as the applicant has no intention to use the field for agricultural purposes and therefore has no requirement for the access. Third parties believe that the access would be used to develop the field in the future. The Council must assess the application on the basis that it has been submitted. I have no information that the applicant intends to use the access for any purpose other than the agricultural use applied for. The assessment below is on the basis of agricultural use, in particular the assessment of highway safety. Consent for this use would not allow or set a precedent for an access to be used for another purpose, which



would have to be assessed on its own merits. I have recommended a condition to restrict the use to the agricultural use.

### **Context of site, design and external spaces**

- 8.3 Limekiln Road forms an important edge to Cambridge and a transition between settlement and rural countryside. The existing site is treed with scrub vegetation and contributions to the green edge. The trees are protected by a group tree preservation order. The approved residential development to the north is also material when considering the landscape impact.
- 8.4 The Landscape Officer has objected to the proposal on the basis that it would cause harm to the green edge of Limekiln Road and remove buffering for the approved residential development that is required to make this acceptable. The Tree Officer supports the proposal which would not require the removal of protected trees or have a significant impact on these (see below), so the proposal would not have a significant impact on the green edge, in my opinion. The access would be viewed alongside the tarmacked access into the caravan and motorhome site to the south-west, so there is a precedent for minor accesses and the proposal would not be out of character. For these reasons, I disagree that the proposal would harm the green edge.
- 8.5 As stated by the Landscape Officer, the residential development to the north needs to be taken into consideration. The Landscape Officer notes that this development was required to enhance the landscaping in order to strengthen the edges and provide a buffer to the development. A landscaping scheme for the residential development has been approved through conditions. This shows additional tree and shrub planting along the Limekiln Road frontage. One new tree has also been approved in the south east corner within the group of protected trees. This tree would be outside the visibility splay and could be provided. The proposal would create a gap in the approved continuous shrub frontage along Limekiln Road. However, it would not open up significant views towards the residential units, in my opinion. The access may require some changes to the planting scheme along the boundary in order to provide the visibility splays which would need to be agreed by re-

discharging this condition, however in my opinion, an alternative arrangement could provide acceptable buffering.

- 8.6 The applicant has not submitted details on the proposed drawings showing the height and materials of the fencing and gates. I envisage this would have a functional, agricultural character which would be appropriate for the use and the context. However, these details need to be agreed by the Council. I have recommended a condition for details of the boundary treatment to be submitted. This would also include the new southern boundary of Plot 4.
- 8.7 For these reasons, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7 and 3/11.

### **Residential Amenity**

- 8.8 The access would not have a significant impact on the properties along Queen Edith's Way in terms of noise and disturbance from its use in association with agricultural uses as it would be located a significant distance from these properties and the nature of the use would be similar to the existing use. For the same reasons, the proposal would also not have a significant impact on the amenity of occupants/users of the caravan site as the permanent residential building for the site manager and the pitches for holiday use.
- 8.9 The impact of the proposal on the amenity of the future occupants of the residential development to the north is a material consideration, in terms of the impact of noise and disturbance and the loss of amenity space. The access would be on land that would be within the garden area of the southernmost approved unit (plot 4). A new boundary would be created to the south of plot 4 with part of the area approved as garden being retained for the agricultural access. This would reduce the area of amenity space for the occupants of this property. Plot 4 would be a 4-bed detached property. As approved, the property would have a large garden wrapping around the south and west of the dwelling. The proposed access would remove the part of the garden to the south. The retained area of garden to the west would be similar in size to the other family dwellings approved within the wider development to the north. In my opinion, this would provide an acceptable level of residential amenity for the future occupants.

- 8.10 The southern elevation of plot 4 would be blank with no windows facing towards the access. The property would have a large first floor window on the eastern elevation serving a living room. As the property would be partially sunken, the access would be approximately level with the first floor internal floor level. There would be a short section of projecting wall which would provide some screening, however, the access would allow some views into the first floor living room. I am satisfied that the agricultural use of the access is unlikely to be intensive and therefore this arrangement would not result in a significant loss of privacy for the future occupants. An alternative and more intensive use may have a greater impact.
- 8.11 In my opinion the proposal adequately respects the residential amenity of its neighbours and the constraints of the site and I consider that it is compliant with Cambridge Local Plan (2006) policies 3/4 and 3/7.

### **Highway Safety**

- 8.12 The Highways Authority raised concerns with the original submission regarding the width of the access and the set back of the gates from the highway in order to allow vehicles to pull in or wait off the public highway. Revised plans were submitted during the course of the application which increased the width of the access to 5.5m and set back the gates to 10m from the highway boundary. The Highways Authority has confirmed that the revised plans are acceptable for the proposed agricultural use. I have discussed with the Highways Authority whether the additional access proposed on the caravan site would alter the acceptability of the proposal and the officer has advised me that this would not have an impact given the proposed agricultural use of the current proposal.
- 8.13 The Highways Authority has recommended a condition for no unbound material to be used within 10m of the highway boundary for highway safety purposes. The applicant has proposed a crushed aggregate surface which would be unacceptable. I have amended the recommended construction conditions to require details of the surface construction to be submitted for approval. This should be in accordance with the County Council construction specification and should include adequate drainage measures to prevent surface water run-off onto the public highway. I have recommended the other

requested conditions, with the exception of the restoration of the redundant kerb, which in my opinion is not a reasonable condition.

- 8.14 For these reasons, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 8/2.

### **Trees**

- 8.15 The site includes a group tree preservation order covering trees to the south of the proposed access. The proposed access would be within the root protection area of these trees. The Tree Officer has visited the site and reviewed the application, and has advised that the foot print of the proposed access would have only a minor impact on the root protection area. I have discussed the principle of an unbound surface with the Tree Officer rather than the crushed aggregate surface proposed. The Tree Officer has advised that this could be acceptable. The visibility splays would not impact on important trees along Limekiln Road and providing an access into the field in this location would not harm trees adjacent to the field through the use of the access.
- 8.16 The Tree Officer has recommended a condition for tree protection measures to be submitted for approval prior to the commencement of development in order to protect the trees during the construction due to the constraints of the site. Subject to this, in my opinion the proposal is compliant with Cambridge Local Plan (2006) policy 4/4.

### **Ecology**

- 8.17 The site is adjacent to a SSSI and Local Nature Reserve covering the caravan club site to the south. The applicant has submitted a recent ecology survey that was undertaken in association with the previous applications for residential development on the land to the north, which includes the application site. The survey states that the site for the proposed access is not well-developed grassland and therefore is of lesser ecological importance. The Biodiversity Officer supports the proposal subject to a condition to prevent external lighting which could harm foraging bats, and I accept this advice.

### Third Party Representations

8.18 I have addressed the third party concerns as follows:

Representation	Response
Highway safety concerns relating to proposed use by agricultural vehicles. Unsuitable for large vehicles, turning would be dangerous.	The Highways Authority has reviewed the application and has advised me that the access would be suitable for the proposed agricultural use. I accept the Highways Authority's advice on this and as such have no reasonable grounds to recommend refusal.
Impact on SSSI and protected trees.	The Ecology Officer and the Tree Officer support the proposal subject to conditions, and I accept their advice. The proposal would not have a significant impact on the local environment.
There is no demonstrable need for agricultural access as the paddock has not recently been used for agricultural or horticultural purposes. The application is disingenuous and the applicant is seeking access in order to develop the field. Such development would harm the area, the environment, the local highway network and highway safety, and residential amenity.	The application has been assessed on the basis of the information submitted, which is for an agricultural use. The impact on the local environment, the highway network and residential amenity is acceptable for this use. An access serving other uses (including residential development) has not been considered and, in my opinion, could have a significantly different impact which has not been assessed under the current application. For this reason, I have recommended a condition to restrict the use. Should the applicant wish to use the access for another purpose or to serve a development site, a new

	application would be required and would need to be assessed.
The type and frequency of access will be significantly different from what the applicant claims. Consequently the conclusion by the Highways Department that there will be no material effect on the traffic flow on Limekiln Road is incorrect.	I am satisfied with the Highways Authority's assessment of the access and accept their advice. As above, if the applicant wishes to use the access for another purpose, an application would be required which the local planning authority would consult the Highways Authority on.
Notification of the application should have been sent more widely.	I am content that the consultation with local residents has been carried out in accordance with our requirements. Site notices were posted at the junction of Limekiln Road and Queen Edith's Way.

## 9.0 CONCLUSION

- 9.1 I acknowledge the concerns raised in third party representations with regard to the proposed agricultural use and the potential that the applicant may use this to provide access for residential development in the future. However the local planning authority must assess the application on the basis of the use applied for and the information submitted. An agricultural access would be entirely appropriate within the location. I accept the advice of consultees that the impact on the highway network, trees and wildlife would be acceptable for the proposed use. I am satisfied that the use can be controlled through condition and any variation to this use would require an application to the local planning authority for the impact to be assessed at this stage. For this reason, the recommendation is for approval subject to conditions.

## 10.0 RECOMMENDATION

**APPROVE** subject to the following 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 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 access hereby approved shall be used solely in association with the agricultural use of the field (land within the red line on the approved Location Plan) and for no other purpose.

Reason: The application has been assessed on the basis of agricultural use only and other uses may not be acceptable.

4. No construction work or demolition work shall be carried out or plant operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the adjoining properties (Cambridge Local Plan 2006 policy 4/13).

5. Prior to the commencement of development and in accordance with BS5837 2012, a phased Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to the local planning authority for its written approval before any equipment, machinery or materials are brought onto the site for the purpose of development. In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including supervision, demolition, foundation design, storage of materials, ground works, installation of services and landscaping.

Prior to the commencement of site clearance a pre-commencement site meeting shall be held and attended by the site manager, the arboricultural consultant and local planning authority Tree Officer to discuss details of the approved AMS.

The approved AMS and TPP will be implemented throughout the development and the agreed means of protection shall be retained on site until all equipment, and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition, and the ground levels within those areas shall not be altered nor shall any excavation be made without the prior written approval of the local planning authority.

Reason: To protect important trees (Cambridge Local Plan 2006 policy 4/4).

6. Prior to the commencement of development, details of the boundaries (including gates) shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure boundaries are appropriate to the character of the area (Cambridge Local Plan 2006 policies 3/4, 3/7 and 3/11).



7. Prior to the commencement of development and notwithstanding the approved drawings, details of the proposed surface for the access hereby permitted shall be submitted to and approved in writing by the local planning authority. This shall include:
- a) Details of the vehicular access where it crosses the public highway which shall be in accordance with the Cambridgeshire County Council construction specification.
  - b) Adequate drainage measures to prevent surface water run-off onto the adjacent public highway.
  - c) No unbound material shall be used in the surface finish of the driveway within 10 metres of the highway boundary of the site.
  - d) A cross-section showing the construction materials.

Development shall be carried out in accordance with the approved details prior to commencement of use of the access and retained as such thereafter.

Reason: In the interests of highway safety and surface water drainage (Cambridge Local Plan 2006 policy 8/2).

8. Prior to the commencement of the first use of the agricultural access hereby permitted, the access shall be provided with a width of 5.5 metres for a minimum distance of ten metres from the highway boundary. Thereafter this area shall be retained free of obstruction.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2).

9. Prior to the commencement of the first use of the agricultural access hereby permitted, the visibility splays shall be provided as shown on the approved drawings. Thereafter, this area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2).

10. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved vehicular access unless details have first been submitted to and approved in writing by the Local Planning Authority, other than those shown on the approved plans.

Reason: In the interests of highway safety (Cambridge Local Plan 2006 policy 8/2).

11. Prior to the installation of external lights, a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaries, the headgear cowl, the spacing and height of lighting columns), the extent/levels of illumination over the site and on adjacent land and measures to be taken to contain light within the curtilage of the site. Thereafter the external lighting shall be in accordance with the approved details.

Reason: To prevent detriment to foraging bats (Cambridge Local Plan 2006 policy 4/15).

**INFORMATIVE:** This development involves work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

No part of any structure may overhang or encroach under or upon the public highway unless licensed by the Highway Authority and no gate / door / ground floor window shall open outwards over the public highway.

Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant