Concerns regarding the Planning Officer Report published 5/4/2019:

1. There are numerous consultations and reports referred to in the Planning Officer Report, which are not publicly available on the website. Linton Parish Council requested and was not provided with these, despite the Case Officer promising to do so.

   Where they are provided on the website, a number of material parts are missing, such as the attachment forming the main part of the latest Archaeology response.

   LPC and local residents have therefore been disadvantaged in their responses and presentation to Planning Committee.

Site visit

2. A site visit is not mentioned in the report, despite substantial changes having happened to this site. Also, the previous visit was a long time ago, on 6 September 2016, and only one Councillor other than our Local Councillor was present. As a result, if there is no site visit, Councillors would be commenting on a complex scheme with no proportionate level of knowledge of the site.

   The previous visit did not include the key views LPC has repeatedly identified across the site. These views show the prominent position of the site at the gateway to the village and its dominance of the river valley. These two views are important to consider the extent, appearance and layout of the scheme.

   The remit of the previous visit did not include the Reserved Matters issues, including landscape, appearance and layout, and did not consider the slopes of the site and additional accesses onto Bartlow Road. The elevations, sections and visuals show this as an essentially flat site, which is not representative of (say) the 7 metre slope of the southern development. A visual comparison on site with the two latest Levels Plans of March 2019 would better inform Councillors about the roadways and movement around the site, hedge loss, urban screening, flood routes, steps terraces and other structures now added to the scheme to deal with the slopes around the homes, and the pumping station and other additional development on the valley floor.

   The planning committee report paragraph 91 page 28 now proposes that the large archaeology spoil mounds are to be retained. It is a last minute inclusion that has not properly been advertised and consulted on. A site visit would better inform Councillors to appreciate how these spoil mounds relate to the local open landscape character and long views.

   The site is now next to a site allocated for a Park and Ride site. A site visit would inform Councillors about the proximity and location of entrances. They should also see what difference this is likely to make to the traffic flow, new accesses and amenity of the homes and residents proposed next to this.

   The noise level surveys conducted during the Outline Application concluded that the traffic noise exceeded EU levels. That traffic along A1307 and Bartlow Road has increased from the base assessment dated 2011 (now 8 years old so well out of date) and the traffic will increase further when the Park and Ride site is constructed next to it. A site visit would not overcome the failure
to provide the necessary assessment, but should better enable Councillors to appreciate the existing noise and traffic levels as a starting point.

We query why a site visit has not already been included in the Agenda, bearing in mind the number of issues raised, and the outstanding issues and responses being presented at last minute to Planning Committee. We refer the Case officer to our previous photographs and map route provided for the September 2016 Planning Committee which identifies key views critical to the understanding of this proposal.

Consultation and procedural issues

3. Relevant consultation comments / reports have not been publicly available. Those noted missing from the website include:
   - Landscape
   - Urban Design and amenity (e.g. overlooking due to the slope down the site)
   - Noise
   - Ecology including protected species and the ponds omitted from the survey
   - Listed Building setting
   - Archaeology
   - Flooding
   - Percolation tests
   - Water quality and level monitoring results for the aquifer
   - The high pressure gas main

4. Paragraph 6 of the Officer Report states that the application was screened under EIA. The regulations require public advertisement and consultation, including a notice on the site. This was not done and therefore the screening is not a lawful and transparent process.

   The previous EIA scoping is 4 years old and does not include the material cumulative impact of the Park and Ride site and does not include the missing reptile survey. The planning application is a Schedule 2 development ‘likely to have significant effects on the environment by virtue of factors such as its nature, size or location’ and the Park and Ride would make a material impact in conjunction with this development. Other material changes such as the additional accesses, the mounds, the loss of most of the hedges and the failure originally to include the Flood Relief Management Scheme and the many ponds within the Environmental Assessment are also material, as was that the 2015 EIA Scoping was not publicised in accordance with the EIA Regulations and the Officer response recently published on the Council’s website shows that the decision was made without the relevant consultation responses.

5. Paragraph 10 summarises the LPC comments by reproducing the issues LPC submitted for the Outline application, concluding that these are superseded issues. This paragraph is out of date and not a representative summary of LPC’s responses and evidence provided for this Reserved Matters application. The report fails to consider that LPC has responded to all the consultations and commissioned its own professional reports where the evidence has not been forthcoming from the other relevant parties to deal with the Reserved Matters issues.
6. Paragraph 11 abridges the Landscape consultee comments to exclude substantial concerns about flooding of gardens. As the full comments are not publicly available, the inconsistencies and basis used to comment on, are not transparent.

7. Paragraph 12. Likewise it is unclear whether the Trees consultant knows about the latest proposals regarding the planting of perimeter trees on spoil heaps and on a high pressure gas main because the extract does not mention them.

8. Paragraph 13. Urban Design. The comments are not publicly available and those included in the officer report make no mention of the slopes of the site, the built-up terraces proposed on the levels plans, and overlooking (critical assessment of amenity on a site that slopes as this does). The assessments and response seem to treat this inappropriately as a flat site. There is also no response dealing with the truncation of gardens and overshadowing from the mounds and trees newly proposed in paragraph 91 of the report. The response also fails to assess the local character of development as required to design appropriate houses. This assessment is required under HG/1 and the District Design Guide to inform designs and provide appropriate frontages, massing, scale and nestling character to reflect their village context and immediate surroundings, and to preserve the landscape character and river valley views.

9. Paragraph 14. The Ecology Officer makes no mention of the missing assessment of the 20-30 ponds and the potential for newts as raised by LPC and the applicant’s own Ecologist. The Case Officer mentions the issue in para 79 but dismisses it on the basis the source of the original concern is not known. The original source is page 9 of the Applicant’s Ecological Design Report. It also concludes that a full reptile survey will be required. This has not been carried out. As a result Policy NH/4 part 4 has not been complied with. This requires that where there are grounds to believe that a proposal may affect a Protected Species, Priority Species or Priority Habitat, applicants will be expected to provide an adequate level of survey information and site assessment to establish the extent of a potential impact. This survey information and site assessment shall be provided prior to the determination of an application.

The 2018 Sweetman case mentioned makes it a statutory duty. It requires that survey to be carried out at every planning stage under EU Wildlife Regulations and for the extent of harm to be concluded before any mitigation can be applied. Effectively, the potential harm to protected species from a failure to assess and protect wildlife in the 20-30 ponds cannot be offset by the bat and bird nesting/roosting boxes relied on by the Council’s consultee. The planning decision is unlawful unless the statutory surveys have been carried out.

10. Paragraph 15. The basis of the Heritage officer comment is unknown as its timing and context has not been publicly available. At the very least, as required under NPPF paragraphs 193 and 196, the consultee should have concluded ‘less than substantial harm’ to the setting of the Grade II* listed manor / farmhouse at Barham Hall, as the site is visible and historically and functionally connected to the Hall. That level of harm requires a proportionate level of public benefit to offset it. As it stands in this Officer report, the test has not been properly applied. Likewise, as the heritage asset is listed grade II*, it comes into the remit of Historic England and there is no record of the statutory consultation with Historic England on this application. No acknowledgement in the case officer report has been made of LPC’s Heritage Statement which is attached as an appendix, and NPPF and NH/14 have not been complied with.
11. Paragraph 16. The Environmental Health comments included in this report are solely relating to construction noise and light pollution. The consultee fails to consider the conclusion of the site study that noise on this site exceeds safe levels under the EU Noise Directives, and fails to follow the requirement of the Directive to avoid, prevent or reduce the harmful effects of environmental noise. The response does not deal with the duty to assess the impact of the topography and proximity of the busy roads. There is no assessment of the proposals in paragraph 91 for overbearing bunds planted with trees along the south eastern garden edges. Without satisfying the requirements, it also fails the requirements of HG/1n, which requires that planning decisions protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust.

12. Paragraph 17. The Contamination Officer comments fail to deal with the contamination of the site due to its former heavy agricultural chemical use.

13. Paragraphs 18, 45 and 50 onwards. The Affordable Housing Officer’s response and Officer summary fail to assess the provision in accordance with Policy H/9: Housing Mix part 2 which specifically requires variation of the percentages of part 1 to reflect identified local need. Likewise Policy H/10b: Affordable Housing directs a mix that reflects the local need. That local need is identified within the Council’s local housing needs evidence as predominately 1-bedroom houses suitable as starter homes and for elderly people. To reflect the need on Linton waiting lists, it requires 46 out of 81 homes to be 1-bedroom, and therefore the proposed provision of 5 1-bedroom homes out of 22 homes on this site does not meet the requirements. The proposed homes are also currently being advertised as having more bedrooms than acknowledged to the Council, and are therefore bulkier than the statistics would indicate. Instead, the overwhelming type of house being provided is for large commuter-style family homes, which the policy recognises would be detrimental to the local housing mix and the local community. The scale of bungalows is more appropriate to the need and to the scale, height and character of this part of the village, than the mix of multi-storey family homes being proposed.

14. Paragraph 20. No Highways comments have been provided and therefore LPC and local residents are not given the opportunity to see whether these address the issues that have been raised and the cumulative impact of the Park and Ride, the numerous minimal accesses within the 60mph zone, the problems maintaining the previous proposed design, the maintenance of a road the Highways Authority previously refused to adopt, and the steep slopes and potential surface flooding of the accesses and roadways the Highways Authority previously objected to.

15. Paragraph 21. Flood Team comments quoted in the report rely on the Highway issues and surface water issues being resolved. It refers to an amended scheme, but no amended drainage or flood scheme has been publicised on the website or consulted on since the last Flood Team comments. It is unclear what any support is based on, and also what drawings would be approved and whether they have been publicly consulted on. There is no evidence the consultee has assessed the slopes, the mounds, the loss of the swales the surface water scheme relied on, the appropriateness of discharging much of the water into a single garden, the river flooding and extension of development into the meadow and valley floor. There is also no evidence that the local Flood Management Scheme has been taken into account, and that the advice and scheme has been updated to take into account the most up-to-date flood map.
The flood outline shown on the plans does not correspond with known flooding and is also inconsistent with the levels plans, which seem to indicate the river does not comply with the normal rules of gravity.

The flood assessments and proposals on the website are out of date and do not relate to the current scheme. They also do not include the additional development outside the development area, such as the mounds, the effects of additional development within the river valley floor, and the risk this will create a flood surge downstream exacerbating the flooding of Linton.

As the swales are not deliverable, there is no demonstration that suitable surface water amelioration is provided in the new layout. A substantial amount of road drainage floodwater is directed into private gardens, affecting their amenity and providing soakaways in the riskiest positions for the aquifer. The latest statutory flood response is based on an assessment four months ago, on a different layout, which contained swales.

16. Paragraph 22. Environment Agency comments also refer to an amended scheme. The Environment Agency comments are not publicly available and again, there is no amended flood scheme publicly consulted on. The process and basis is not transparent and the most up to date flood map and the local Flood Management Scheme is not referred to.

17. Paragraph 24. The report states that there are no comments from Anglian Water. Anglian Water have had 8 months to provide a comment. Clearly there is a problem with the Council’s consultation that should have been followed up. The mains drainage capacity issues (and housing mix issues) on this site are comparable to those at Melbourn S/2424/18/FL where an application was withdrawn from last Planning Committee specifically to deal with these issues, to prevent a refusal.

18. Paragraph 25. Section 106 Officer. There is no evidence that provision for the management of the play equipment, public areas, drainage, highways, habitat sites etc have yet been adequately dealt with, to ensure their ongoing permanent resourcing but without the burden falling on individual householders and/or the Parish Council. As the new bunds and their raised tree planting along the South East edge of the site have been introduced in the last week, there is no evidence that their maintenance has been adequately provided for.

19. Paragraph 28 onwards. Site and surroundings. There is no acknowledgement of the Landscape Assessment commissioned by Linton Parish Council and the relevant landscape characteristics and Design Guide assessments applying to this area. There is no acknowledgement that this is a prominent site at the entrance to the village and that there is a well-used public open space within the river valley adjoining the site.

20. Paragraph 55 proposes deviation from space standards where rooms are too small, on the basis it is not part of Reserved Matters. Space standards form part of the layout and need to comply with the District Design Guide.

21. Paragraph 58 does not take into account the scale and height of the adjoining buildings and this part of the village, and instead bases heights and scale on buildings at a considerably greater distance from the site, or selected exceptional buildings of high status. The development’s style
is still derived from the Cambridge urban extension rather than a village and the ‘farmhouses’ are unlike anything characteristic of the area. There is no evidence what this uncharacteristic design is based on.

22. Paragraph 60 describes the development as being compliant with the parameter plan. The area indicated by the overlap between developed and undeveloped area recognised that the landscaped tree barrier screen was development, but not part of the developable area for housing. In the current scheme, the landscaping, mounds and a number of enclosed garden areas, hard surfaced areas and outbuildings are outside the developable area, such as shown on the landscape and levels plans. This means that the Reserved Matters scheme still does not comply with the Outline approval, despite its changes.

23. Paragraph 61 describes other changes to the scheme from that of the Outline consent. There is no scope within the 1990 Planning Act for variation to an Outline consent and therefore the changes to approved accesses and parameters etc are not possible under a Reserved Matters application. A new Outline or Full planning application is therefore required, which would give the process the appropriate public consultation.

24. Paragraph 61 also describes a road layout that fails to follow the character and contours of the land, making the development more prominent, and failing to comply with the local landscape and development character.

25. Paragraphs 62 – 66 are illogical and conflict with the relevant local landscape assessments. The Officer comments present that the loss of the mature roadside hedge along Bartlow Road would ‘enhance’ the character and that the development (pumping station enclosure and spoil heap being the most prominent parts) ‘would provide a positive frontage towards the river’. Both would instead materially detract from the current rural character and environmental quality of the site.

26. The Officer comments also present that buildings taller than the locality are entirely appropriate on the rural skyline and that the houses along the frontage are set back behind ‘gardens’ rather than a number of prominent access roads and the frontage car parking shown on the submitted plans.

27. The conclusion treats the illustrative layout of the Outline application as a material comparison with this Reserved Matters scheme, despite it not having been approved. This is the equivalent of displaying the illustrations in the Design and Access Statement to the Councillors as they voted for the Outline application, showing the site misleadingly as a mass of trees.

28. The latest levels plans have a significant number of additional structures which have material impact on the appearance and surroundings but are not referred to in the Officer report. This includes raised brick terraces and other visible structures to try to address the issues of slopes, drainage and noise. They require planning consent and would potentially have a substantial impact on the views up the slope and from the A1307. See section 55 of the Town and Country Planning Act 1990. They are inconsistent with the main plans used to assess the appearance and landscaping of the development, including the 3D views, sections, elevations and landscape design plans. The inconsistencies between plans make the submitted landscaping plans
undeliverable. The new structures are not assessed in the reports, and the statutory responses published on the website do not mention them.

29. Paragraph 91 page 28 proposes large mounds within the landscape surrounding the site, which partly overlap the built development and gardens.

There has been no assessment and consultation on the proposal to provide or retain these mounds, which are ‘engineering operations (eg groundworks)’ and therefore need planning permission. See section 55 of the Town and Country Planning Act 1990.
They are not reflected in the other plans and reports, and are not in the development description and public advertisement of the application. They make the layout and landscaping schemes undeliverable. There is no evidence publicly available that the statutory consultations and responses include their impact.

It is stated in the officer report that they are proposed in order to protect the archaeology, but this is illogical. These mounds are outside the archaeological excavated area (see photograph 1 below). They are the spoil heaps for the soil taken up to access the archaeology within the development area. They also provide no protection to the areas where notable archaeology was found (e.g. the anglo saxon village in the north west quarter of the development area, where there is no mound).
Instead, they serve to obscure the noisy A1307 and the houses where noise levels exceed EU regulations and do not comply with HQ/1n.
They are also located where they block views of the development from both key views LPC identified, at the approach to the village and along the river from the public open space.

The mounds would potentially have substantial impact on the distinctive open views and landscape, amenity of residents, and deliverability of the houses, gardens, garages and parking along the south east of the site. They are outside the development area and overlap the houses and gardens, showing again that 55 houses and their infrastructure is not practical on this site.

It is proposed in the Officer Report that the mounds are covered in trees, but there is no evidence the relevant statutory consultees have been consulted on this and it does not form part of the application documents published on the website. The trees overshadowing the mounds would further damage the amenity of the south east edge houses and gardens and block the views across the river and fields. Furthermore, the mounds are made up ground in poor structural condition, having been constructed as spoil heaps.

Without the missing consultation responses, it is unclear which consultees have been consulted on these last minute substantial changes and how much the responses rely on the unauthorised works and the works outside the development area to overcome problems of overdevelopment, appearance, amenity and noise. As a result, it is not a transparent process.

30. The site is now next to a site allocated for a Park and Ride site. The report fails to mention and deal with this material change. The outline consent, assessments and comments are all based on this development not being next to a Park and Ride site. This Reserved Matters application has not assessed the specific impacts of the Park and Ride site on houses and accesses located this close by, such as issues of traffic, access, noise, dominance, amenity, prominence of screening, and deliverability of the scheme. The Reserved Matters application also does not
address the challenges of layout and design of a residential development this close to a Park and Ride, such as the public interests in locating affordable homes at its entrance.

In conclusion:

31. A RM application still needs to comply with the relevant statutory duties and EU Regulations, including those for consultation and for protected species.

32. A RM application cannot vary an approved Outline consent description and parameters plan. The mounds, tree planting, fences, walls, hard and soft landscaping and a number of structures and developments are outside the developable area. The additional accesses were not part of the Outline consent, as this described only two accesses. In addition to this, a considerable number of the new accesses are within the 60mph area adjacent the newly designated Park and Ride site.

33. The design has been repeatedly changed to try to deal with issues raised by the Council’s statutory consultees and each time it is reliant on structures and development outside the developable area. That demonstrates the scheme for 55 houses is not deliverable on this specific site, taking into account its constraints.