

Our Ref: 22/05163/FUL
Your Ref: C3R - Hauxton (Revised)

13 April 2023



Mr Gardiner Hanson
Avison Young
65 Gresham Street
London
EC2V 7NQ

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

www.scambs.gov.uk | www.cambridge.gov.uk

Dear Mr Hanson

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL
Application for Planning Permission

Proposal: Change of use to operational railway land together with the installation of Smart IO Housing Equipment and associated landscaping and fencing (Re-submission of 22/05027/FUL).

Site address: Hauxton Road Level Crossing Hauxton Road Little Shelford
Cambridgeshire

Your client: - Network Rail Infrastructure Limited

Further in the above matter, please find enclosed our formal decision notice relating to your client's application for planning permission. Please be sure to remind your client that the scheme should be carried out in line with the approved plans. This will avoid the need for any enforcement action.

Making changes to the approved plans

In the event that you wish to change your proposal, please contact your case officer who will advise you on whether the change can be dealt with as a "non-material" or "material" amendment. In either case you will have to complete a form and provide fresh drawings.

Important information regarding conditions

If you have been granted Planning Permission / Listed Building Consent / Advertisement Consent you may wish to get started immediately, however it is always important to carefully read the decision notice in full before any work begins.

The majority of planning decisions have conditions attached. Some conditions request further information that requires approval by the Local Planning Authority before any

development takes place ('pre-commencement'). All conditions are set out on the decision notice.

Under Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is a criminal offence to carry out unauthorised works to a listed building. Under Section 9 of the Act, a person shall be guilty of an offence should they fail to comply with any condition attached to the consent.

How do I discharge the conditions

Please note that the process takes up to eight weeks from the date the Local Planning Authority receives a valid application. Therefore it is important to plan ahead and allow plenty of time before work is due to commence.

You need to fill in a form to submit your request to discharge conditions, and accompany the relevant details/samples. You can download the necessary form by using the following link: <https://www.greatercambridgeplanning.org>

Alternatively you can submit an application to discharge the conditions through the Government's Planning Portal website: <https://www.planningportal.co.uk/applications>. Please note, The Planning Portal refers to it as 'Approval of details reserved by a condition'.

When the required information has been submitted you will receive a reference and an acknowledgement letter. Once the Local Planning Authority is satisfied that the requirement of the condition have been met you will receive a formal notification that the conditions have been discharged.

Appeals against conditions

You should also be aware that the applicant has the right to appeal against any conditions attached to this Notice, please see <https://www.gov.uk/appeal-planning-decision> for details. If you are concerned about any condition you should contact the case officer in the first instance for advice.

Yours sincerely

A grey rectangular box redacting the signature of the sender.

SJ Kelly
Joint Director For Planning & Economic Development For
Cambridge & South Cambridgeshire

Notice of Planning Permission
Subject to conditions

Reference 22/05163/FUL
Date of Decision 13 April 2023



Mr Gardiner Hanson
Avison Young
65 Gresham Street
London
EC2V 7NQ

The Council hereby GRANTS Planning Permission for:

Change of use to operational railway land together with the installation of Smart IO Housing Equipment and associated landscaping and fencing (Re-submission of 22/05027/FUL).

at

Hauxton Road Level Crossing Hauxton Road Little Shelford Cambridgeshire

In accordance with your application received on 29 November 2022 and the plans, drawings and documents which form part of the application.

Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

3 Ecological mitigation measures

The development hereby permitted shall only be carried out in full accordance with the ecological mitigation measures within the approved Ecological Impact Assessment FINAL Rev 01.

Reason: To mitigate the impact of the development on existing ecology (South Cambridgeshire Local Plan 2018 policy NH/4 and the National Planning Policy Framework 2021).

4 Ecological and landscape enhancements

The development hereby permitted shall only be carried out in full accordance with the ecological enhancement measures within the approved Landscape Screening and Ecological Enhancement Plan Rev 01 report, the biodiversity net gain within the approved Biodiversity Metric 3.1 (received 15 March 2023) and the landscape enhancements within the approved Landscape Planting Plan (1002 Rev 00) which shall be implemented in full. Thereafter the development shall be managed in accordance with the approved details and biodiversity net gain monitoring data as appropriate shall be submitted to the local planning authority in accordance with DEFRA guidance and the approved monitoring period / intervals.

Reason: In the interests of ecological enhancement, landscape visual amenity and Green Belt mitigation (South Cambridgeshire Local Plan 2018 policies S/4, HQ/1, NH/2 and NH/8; the Little Shelford Village Design Guide SPD 2022; the Greater Cambridge Shared Planning Biodiversity SPD 2022; and the National Planning Policy Framework 2021 paragraph 174).

5 Tree works and protection measures

The development hereby permitted shall only be carried out in accordance with the approved Stage 1 & 2 Arboricultural Impact Assessment Report (project number 2484085 revision 2 dated 12 November 20220. No demolition or construction works (including any temporary or enabling works, for example ground works and vegetation clearance) shall be carried out until all tree protection measures as set out in the approved document have been put in place. Thereafter the approved tree protection measures shall remain in place for the duration of the works.

Reason: In the interests of trees, landscape visual amenity and Green Belt mitigation (South Cambridgeshire Local Plan 2018 policies S/4, NH/2 and NH/8; the Little Shelford Village Design Guide SPD 2022; and the National Planning Policy Framework 2021).

6 Construction Management Plan

The development shall only be carried out in accordance with the approved Construction Management Plan (document reference 157001-ALS-PLN-EEN-000006 version P04) for the duration of the works.

Reason: To protect the amenity of nearby residential properties (South Cambridgeshire Local Plan 2018 policy CC/6).

7 Construction working hours

In accordance with the duration of works and working hours set out in the approved Construction Management Plan (157001-ALS-PLN-EEN-000006 version P04), no construction or demolition work shall be carried out and no plant or power operated machinery operated on 'day shifts' 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. No construction or demolition work shall be carried out and no plant or power operated machinery operated on 'night shifts' unless prior notification of the date, time, duration and nature of the works have been given in writing to residents in the proximity of the work in accordance with the Stakeholder Engagement and to South Cambridgeshire District Council's Environmental Health team at least 5 working days in advance of the works.

Reason: To protect the amenity of the nearby residential properties (South Cambridgeshire Local Plan 2018 policy CC/6).

8 Traffic Management Plan

Notwithstanding the approved Construction Management Plan, the development hereby permitted shall only be carried out in accordance with the approved Traffic Management Plan (157001-ALS-PLN-DEL-000006 version P04) which shall be implemented in full for the duration of the construction works.

Reason: In the interests of highway safety and amenity of nearby residential properties (South Cambridgeshire Local Plan 2018 policy CC/6).

9 Gates

Notwithstanding the approved plans, any gate(s) to the proposed pedestrian access route for the development shall be hung to open inwards and shall be maintained as such thereafter.

Reason: In the interests of highway safety.

Informatives

1 Removal of existing equipment

The existing equipment should be removed from the site within 6 months of becoming redundant when the infrastructure hereby permitted comes into operation in order to reduce clutter in the interests of visual amenity. The applicant is reminded of their commitment made during the course of the planning application to carry out these works.

2 Public highway

The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the

Public Highway, and that a separate permission must be sought from the Local Highway Authority for such works.

3 Statutory nuisance

The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or light complaints be received. For further information please contact the Environment Planning Team.

Plans and drawings

This decision notice relates to the following drawings:

Reference/Document/Drawing Title	Date Received
1002 Landscape Planting Plan (Revision 00)	24.02.2023
1 Tree Removal Plan (Proposed Layout) (Revision 1)	29.11.2022
7951370-8 PLANNING SITE LOCATION PLAN (Revision H)	29.11.2022
HAUXTON PLANNING SECTIONS (Revision B01)	29.11.2022
157001-ALS-DRG-ECV-000066 HAUXTON PROPOSED LAYOUT (Revision B01)	29.11.2022

It is important the development is carried out fully in accordance with these plans. If you are an agent, please ensure that your client has a copy of them and that they are also passed to the contractor carrying out the development. A copy of the approved plan(s) is/are kept on the planning application file.

Authorisation

Authorised by:



SJ Kelly
Joint Director For Planning & Economic Development For
Cambridge & South Cambridgeshire

South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA

Date the decision was made: 13 April 2023

Working with the applicant

The LPA positively encourages pre-application discussions. Details of this advice service can be found at <https://www.greatercambridgeplanning.org>. If a proposed development requires revisions to make it acceptable the LPA will provide an opinion as to how this might be achieved. The LPA will work with the applicant to advise on what information is necessary for the submission of an application and what additional information might help to minimise the need for planning conditions. When an application is acceptable, but requires further details, conditions will be used to make a development acceptable. Joint Listed Building and Planning decisions will be issued together. Where applications are refused clear reasons for refusal will identify why a development is unacceptable and will help the applicant to determine whether and how the proposal might be revised to make it acceptable.

In relation to this application, it was considered and the process managed in accordance with paragraph 38 of the National Planning Policy Framework.

General Notes

This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Your attention is specifically drawn to the requirements of the Equality Act 2010 and the Equality Act (Disability) regulations 2010, the British Standards Institution BS8300:2009 “Design of Buildings and their approaches to meet the needs of disabled people – Code of Practice” and to Approved Document ‘M’ “Access to and use of buildings”, volumes 1 and 2 of the Building Regulations 2010 and to Approved Document ‘B’ “Fire Safety”, volumes 1 and 2 of the Building Regulations 2010, in request of guidance on means of escape for disabled people. The development should comply with these requirements as applicable

It is an offence under Section 171 of the Highways Act 1980 to temporarily deposit building materials, rubbish or other things on the public highway or make a temporary excavation on it without the written consent of the Highway Authority. The Highway Authority may give its consent subject to such conditions as it thinks fit.

The applicant is reminded that under the Wildlife and Countryside Act 1981(Section 1) (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees within the application should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.

Building Regulations

Your planning application may also require Building Regulations consent. Please follow the link below for more information and to make your application or call us on 0300 7729622 to discuss your project.

www.3csharedservices.org/building-control/what-are-building-regulations/

Appeals to the Secretary of State

The applicant has a right to appeal to the Secretary of State against any conditions of this planning permission, under Section 78 of the Town & Country Planning Act 1990. The appeal must be made on a form which may be obtained from:

The Planning Inspectorate,
Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN
Telephone 0303 444 5000 or visit
<https://www.gov.uk/appeal-planning-decision>

If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: **28 days** of the date of service of the enforcement notice, **OR** within **6 months** (12 weeks in the case of a householder or minor commercial appeal) of the date of this notice, whichever period expires earlier.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Purchase Notices

If the Local Planning Authority or the Secretary of State grants permission subject to conditions the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances the owner may serve a purchase notice on the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Before starting work

It is important that all conditions, particularly pre-commencement conditions, are fully complied with, and where appropriate, discharged prior to the implementation of the development. Failure to discharge such conditions may invalidate the planning permission granted. The development must be carried out fully in accordance with the requirements of any details approved by condition.

Street Naming and Numbering

In order to obtain an official postal address, any new buildings should be formally registered with South Cambridgeshire District Council. Unregistered addresses cannot be passed to Royal Mail for allocation of postcodes.

Applicants can find additional information, a scale of charges and an application form at www.scambs.gov.uk/snn. Alternatively, applicants can contact the Address Management Team: call 08450 450 500 or email address.management@scambs.gov.uk.

Please note new addresses cannot be assigned by the Council until the footings of any new buildings are in place.

Third Party Rights to challenge a planning decision

Currently there are no third party rights of appeal through the planning system against a decision of a Local Planning Authority. Therefore, if you have concerns about a planning application and

permission is granted, you cannot appeal that decision.

Any challenge under current legislation would have to be made outside the planning system through a process called Judicial Review.

A 'claim for judicial review' includes a claim to review the lawfulness of a decision, action or failure to act in relation to the exercise of a public function, in this case, a planning decision. The court's permission to proceed is required in a claim for Judicial Review. A claim for Judicial Review is dealt with by the Administrative Court and if leave to judicially review a planning decision is granted, the Judicial Review will be decided by a judge at the High Court.

An application to Judicial Review a decision must be made within **6 weeks** of the decision about which you have a grievance being made. For further information on judicial review and the contact details for the Administrative Courts, please go to <http://www.justice.gov.uk/>