

Briefing note on Regulation 3 Planning breach of planning control relating to external facing materials at Cambourne Village College

To: Planning Committee

Date: 20 March 2024

From: Head of Service, Planning and Sustainable Growth

Electoral division(s): Papworth and Swavesey, Cambourne

Purpose: To note the contents of the report

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1 Introduction / Summary of the breach of planning control

- 1.1 The breach of planning control relates to a Regulation 3 planning application for the County Council's own development where the white bricks that were approved for us in the construction of teaching blocks at Cambourne Village College have been replaced with render, contrary to conditions 2 and 11 of planning permission reference CCC/21/087/FUL.
- 1.2 The material finish is not compliant with condition 2 which details the approved plans for the site and the white render has already been installed. As set out in the justification section below, the render is unable to be removed without significant cost but also unable to be regularised by way of an application.
- 1.3 The Council's published Enforcement Plan for County Planning, Minerals and Waste, at 9.1 sets out the County Council will not be able to take formal enforcement action when it determines applications for its own development.

'In these cases, the responsibility for compliance with the permission lies with the relevant Council Directorate. If the breach is not remedied, the matter will be reported to the Planning Committee.'

2 Background to the breach and planning history

- 2.1 On 15 December 2021, planning permission reference CCC/21/087/FUL was granted for:

Erection of four new teaching blocks to create a 2 form entry (FE) extension to Cambourne Village College to create an 11 FE of entry school (1650 pupils), 2 storey extension to the existing music/drama block to create additional teaching facilities, conversion and 2 storey extension to the existing teaching block to create a 350 place independent sixth form building, associated new cycle and pedestrian access link, reconfigured pedestrian walkway, associated school playing fields, MUGA and cycle parking, relocation of the existing attenuation basin, new car parking, new vehicular access to the school, new vehicular route within the school site, new means of enclosure around the perimeter of the school site, hard and soft landscaping, ancillary facilities and widening of Swansley Lane. The permission was subject to conditions.
- 2.2 Condition 2 of CCC/21/087/FUL specified the approved plans for the development and Condition 11 of the permission sample panels of external facing and roofing materials to be submitted to County planning for approval.
- 2.3 On 19 April 2023 an application to discharge condition 11 was approved following the submission of samples of white bricks that would be used in the external finish of the new teaching blocks at the village college.
- 2.4 On 8 August 2023, a further application, reference CCC/23/098/DCON, was submitted in respect of the external facing materials used in the construction of the school. The application sought approval for new, alternative external facing materials which would replace the agreed white brick with white render across teaching blocks 1 to 5 of the school.

- 2.5 The white render had already been installed in place of the brick and the unauthorised change constituted a breach of planning control.
- 2.6 As part of the consultation on the condition discharge application to alter what had been previously agreed, Greater Cambridge Shared Planning (GCSP) was consulted. GCSP's Urban Design team objected to the replacement render on the basis that, in their view, the change will result in an excessive use of the white render which is not beneficial for the buildings appearance and materials balance on the site. The Urban Design team also noted that the Cambourne West Design Code encouraged the usage of the render as an accent material but it was never meant to be made predominant and that the usage of the render can only be acceptable on Blocks 1 & 5 as its proportion on these blocks' elevations is more balanced when compared to the other materials.
- 2.7 The concerns of GCSP were shared with the planning agent for the application and the applicant, the County Council's Education Capital team.
- 2.8 The agent for the application advised that whilst the boundary of the Village College site is adjacent to the Cambourne West and so the Approved Design Code should be taken into consideration, their view was that the blocks where white render has been applied are set back from the site boundary which means that the overall appearance of the development remains consistent with the original design concept which deliberately contrasts the external public facing elements with the internal academic spaces.
- 2.9 GSCP Urban Design maintained their objection to the use of render in the teaching blocks and so further information and justification for the change was sought from the agent and from the applicant, the Council's Education Capital team.

3 Justification from the Education Capital team

- 3.1 The Education Capital team advised that the decision to change the façade treatment for the school was part of the wider need to reduce costs. The pricing and review of the project coincided with significant market pressures including commencement of the war in Ukraine, which historically produced much of the steel and timber for the construction industry, as well as the residual effect of the Covid pandemic. Whilst market pressures had been somewhat mitigated in earlier costings, the war compounded the post pandemic problems around supply and resource. Prices went up nearly daily as materials became scarce. The result was that price for the scheme was effectively increased by 20% in less than 2 months, necessitating the need to go back to the Strategy and Resources Committee to request further funding.
- 3.2 Although further finding was agreed, it was stipulated that value engineering and cost measures must be implemented to ensure that the construction costs were reduced as much as possible, whilst remaining in compliance with Department for Education guidelines. A costings schedule was agreed, mainly relating to internal items, but also recognising some opportunity for cost measures to come from the materials used for the external finishes of the school.

- 3.3 The Council had to commit to the project which included assimilating the risk of changing items subject to Planning related matters, in order to 'lock in' the supply chain to the agreed costs and prevent them continuing ed upwards, taking the project further out of reach. The priority for CCC was the need for the scheme, given the wider development of West Cambourne and the rate at which house occupations were likely to push up need for the school spaces. Even the delay in resolving the spiralling costs meant the scheme would miss the date of the initial increase in pupil numbers. Waiting for the planning approvals to change in the render finish would exacerbate this capacity issue, meaning that the school accommodation would not be available for the numbers emerging, meaning CCC would fail in providing adequate pupil places.
- 3.4 As noted in paragraph 2.8 above, the location of the buildings means that they do not in itself sit within the West Cambourne design guide and in considering the changes, it was noted that blocks 3, 4 and 5 of the school sit centrally within the site and are some distance from other non-school buildings and are therefore not 'read' with the wider development. The teaching blocks do not form one of the more important outwardly public facing elevations and the render is a common material within the school site so retains a link with the existing blocks.

4 Conclusion

- 4.1 Following discussions with the Education Capital team, the application change the agreed details of the external materials of the teaching blocks of the school has been withdrawn which leaves an outstanding breach of planning control. However, the change to the approved materials has already been installed.
- 4.2 The West Cambourne Design Code is a consideration but does not apply to the school site and the use of render as a replacement for brick has been minimised as far as possible and are on the internal facades that have the least impact on the views from the 'Design Code' area.
- 4.3 Whilst it is not a material planning consideration, insisting on the removal of the render and installation of the white brick would both disturb the operation of the school and attract significant costs.
- 4.4 The County Council cannot take formal enforcement action against itself in the form of the service of an enforcement notice and it is considered that the planning harm is low and that enforcement action is not necessary or expedient in this instance.

Background documents

Planning application references CCC/21/087/FUL, CCC/22/044/DCON, CCC/23/098/DCON (withdrawn), full details of which can be found on the Council's public access planning webpages: [link to Public access pages](https://planning.cambridgeshire.gov.uk/public-access-pages/) - <https://planning.cambridgeshire.gov.uk/online-applications/>

[Link to the Council's Enforcement Plan 2020](#)