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3 March 2014

To: Chairman – Councillor Lynda Harford  
Vice-Chairman – Councillor Brian Burling  
All Members of the Planning Committee - Councillors David Bard,  
Richard Barrett, Tumi Hawkins, Caroline Hunt, Sebastian Kindersley,  
Raymond Matthews, David McCraith, Charles Nightingale, Deborah Roberts,  
Hazel Smith, Aidan Van de Weyer and Nick Wright

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 5 MARCH 2014 at 10.00 a.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution *in advance of* the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully  
**JEAN HUNTER**  
Chief Executive

**The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.**

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## AGENDA

**9 (a) S/0645/13/FL - Waterbeach (land to the west of Cody Road)**

**PAGES  
1 - 34**

## EXCLUSION OF PRESS AND PUBLIC

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) ..... in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) ..... of Part 1 of Schedule 12A of the Act."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to

view it. There will be an explanation on the website however as to why the information is exempt.

### **Notes**

- (1) Some development control matters in this Agenda where the periods of consultation and representation may not have quite expired are reported to Committee to save time in the decision making process. Decisions on these applications will only be made at the end of the consultation periods after taking into account all material representations made within the full consultation period. The final decisions may be delegated to the Corporate Manager (Planning and Sustainable Communities).
- (2) The Council considers every planning application on its merits and in the context of national, regional and local planning policy. As part of the Council's customer service standards, Councillors and officers aim to put customers first, deliver outstanding service and provide easy access to services and information. At all times, we will treat customers with respect and will be polite, patient and honest. The Council is also committed to treat everyone fairly and justly, and to promote equality. This applies to all residents and customers, planning applicants and those people against whom the Council is taking, or proposing to take, planning enforcement action. More details can be found on the Council's website under 'Council and Democracy'.

# Agenda Item 9a

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

5 March 2014

**AUTHOR/S:** Planning and New Communities Director

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<b>Application Number:</b>	S/0645/13/FL
<b>Parish:</b>	Waterbeach
<b>Proposal:</b>	Erection of 60 dwellings (Class C3) including affordable housing, access, car parking & associated works, open space, landscaping & a children's play area
<b>Site address:</b>	Land to the West of Cody Road
<b>Applicant(s):</b>	Manor Oak Homes
<b>Recommendation:</b>	Amend putative reason for refusal (ii)
<b>Application brought to Committee because:</b>	The public inquiry in relation to the appeal commences on 7 April 2014 and the Council's Proofs of Evidence need to be submitted by 25 March 2014

### Introduction

1. This report is a supplementary item to the agenda. An appeal has been submitted and the public inquiry commences on 7 April 2014. The Council has to submit its Proof of Evidence by 25 March 2014. Therefore, there is an urgent need to address this issue as soon as possible.
2. The planning application was considered at the planning committee meeting on 2 October 2013 and members agreed to grant officers delegated powers to refuse the application on the following grounds, subject to the resolution of landscaping, drainage and Section 106 matters: -
  - i) *The implementation of the proposed development, if approved, would prejudice the consideration of Draft Policy S/4 Cambridge Green Belt and the proposed Green Belt Extension shown upon Policies Map Inset No.104 of the South Cambridgeshire Local Plan Proposed Submission (July 2013) in that the site occupies a significant proportion of the area which has been included in the Draft Local Plan and would harm the effectiveness of the submitted proposal, if included in the Adopted Local Plan. The erosion of the proposed Green Belt Extension would seriously harm the objectives of the proposed Waterbeach New Town as set out in Draft Policy SS/5 Waterbeach New Town and Policies Map Inset H: Waterbeach New Town of the South Cambridgeshire Local Plan Proposed Submission (July 2013).*

- ii) *The development would result in the loss of an important landscape buffer area between Waterbeach and Waterbeach Barracks, to the harm of the landscaped setting of each, and would represent an undesirable coalescence of the village and Barracks contrary to the adopted Local Development Framework 2007 at Policy DP/3, which seeks to prevent development that would have an unacceptable adverse impact on the countryside and landscape character; at Policy DP/7, which states that outside village frameworks only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted: the aims of the policy seek the protection of the countryside from gradual encroachment and to help guard against incremental growth in unsustainable locations: and at Policy NE/4, which seeks to preserve the local character and distinctiveness of the District's landscape.*
- iii) *The proposal to erect 60 dwellings on the application site adjacent to the adopted development framework boundary for Waterbeach represents development which is unsustainable in scale and location because it fails to accord with the adopted intentions of the Local Planning Authority for the provision of housing in the District as set out in Policy ST/2, which provides a strategy for the location of new housing in the District, and Policy ST/5, which includes Waterbeach as a Minor Rural Centre with more limited services where residential development up to an indicative maximum of 30 dwellings will be permitted, in the South Cambridgeshire Adopted Core Strategy Development Plan Document 2007.*

3. A copy of the original report, update report and committee minute are attached as an appendix.
4. The applicants submitted an appeal on 29 October 2013 against non-determination of the application.
5. The decision notice has not been issued to date due to the ongoing resolution of the landscaping, drainage and Section 106 matters.

### **Planning Comments**

6. Reason for refusal (ii) refers to the impact of the development upon the character and appearance of the countryside and rural landscape and the coalescence of Waterbeach and the barracks.
7. The site is surrounded on three sides by existing residential development and the primary impact of the proposal would be the loss of part of the existing visual separation between the existing village and the barracks, rather than to a loss of countryside or impact on landscape character itself. The adverse impact is to the character of Waterbeach as a village through loss of visual separation. The site is not considered to represent the characteristics of "The Fens Landscape Character Area" as defined by Natural England (i.e. expansive, flat, low lying wetland landscape offering extensive vistas to low level horizons and huge skies throughout, provides a sense of rural remoteness and tranquillity).
8. It will be apparent that the putative reason for refusal (ii) could have been better worded. Rather than allege "an unacceptable adverse impact on the countryside and landscape character", the putative reason for refusal should instead have referred to the development having an "unacceptable adverse impact on village character", and

as such, a contravention of policy DP/3 criteria 2 (l). For the same reason, the reference to policy NE/4 is unnecessary and should be deleted.

### **Recommendation**

9. It is recommended that putative reason for refusal (ii) be amended so as to read: -

*The development would result in the loss of a visually important open buffer, which presently separates Waterbeach and Waterbeach Barracks, to the harm of the setting of each. It would represent an undesirable coalescence of the village and Barracks. As such, the development is contrary to the adopted Local Development Framework 2007 at Policy DP/3, which seeks to prevent development that would have an unacceptable adverse impact on village character; and contrary to Policy DP/7, which states that outside village frameworks only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. The development would conflict with the aims of the policy, which is to seek the protection of the countryside from encroachment and to help guard against incremental growth in unsustainable locations.*

10. The amendments suggested should help to ensure that the appeal for non-determination is considered against the correct development plan policies and in respect of the correctly identified adverse impacts of the proposed development on this site.

### **Background Papers**

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- South Cambridgeshire Local Plan Proposed Submission (July 2013)
- Planning File ref. S/0645/13/FL
- Natural England National Character Area Profile: 46. The Fens

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## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 October 2013

**AUTHOR/S:** Planning and New Communities Director

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### **S/0645/13/FL - WATERBEACH**

**Erection of 60 dwellings (Class C3) including affordable housing, access, car parking & associated works, open space, landscaping and a children's play area at land to the west of Cody Road, for Manor Oak Homes**

**Recommendation: Delegated Refusal**

**Date for Determination: 25 June 2013**

**This Application has been reported to the Planning Committee for determination because at the discretion of the Planning and New Communities Director because the application is of strategic significance.**

**Members will visit this site on 1 October 2013**

**Departure application**

**To be presented to the Committee by Ray McMurray**

#### **Site and Proposal**

1. This full application dated 22 March 2013 seeks to erect 60 dwellings and associated open space on a site area of 1.88 hectares. The land is located to the west of Cody Road on the north eastern fringe of the village. The site is in agricultural use as arable land. To the south the site is adjoined by the rear gardens of detached dwellings fronting Bannold Road. To the west the site adjoins amenity open space associated with recently completed Cam Locks housing development at Levitt Lane, Cheason Walk and Shipp's Field, where there is an equipped play area. To the north the site open space associated with the former Waterbeach Barracks, and to the north east on the opposite side of Cody Road are terraces of housing associated with the former barracks. To the east across Cody Road there are several agricultural parcels in arable use.
2. The site is generally level. The northern boundary has several mature trees and there is a mature hedge and open drainage ditch along the western boundary.
3. The proposal is to erect 24 affordable and 36 market units. The market mix includes 4 houses and 4 flats with two bedrooms. The affordable housing proposed a 70/30 tenure split in favour of rented units, and includes 18 2-bed units. The heights of the properties would vary between 2 to 2½-storey houses and a 2-storey apartment block. These are to be constructed in brick, render and timber. The layout shows a single central access onto Cody Road linked to a central adoptable road from which feeds a link road to the north and a shared driveway to the south. Eight detached plots front onto Cody Road.
4. The proposal includes a linear area of public open space along the western boundary of the site which offers the option of providing an equipped area for children's play. It

is proposed that this area should link to the POS at Cam Locks. A further pedestrian link to Cam Locks is shown from the northern spur road. Provision of 114 car parking spaces (1.9 spaces per dwelling including garages) has been made, as well as cycle parking for each dwelling and the apartment block.

5. The site is located within Flood Zone 1 (low risk) from river or ground water. Surface water is proposed to be attenuated to green field run off rates within the site boundary. The surface water will discharge into the drainage ditch located on the western boundary of the site. Foul drainage will be to the main sewer network in Bannold Road. A revised Flood Risk Assessment (revision B) was submitted 10 September 2013. This proposes an alternative outfall to the ditch on the eastern side of Cody Road in order to bypass the culverted section between the development and the Bannold Road/ Cody Road junction should this culvert be found upon further investigation to be in a poor condition and repairs cannot be completed. The FRA states that the development will not increase the rate of run-off from the site and will not have an adverse impact on the capacity of the downstream ditches and watercourses.
6. The density is 33 dwellings per hectare.
7. The application is accompanied by a Planning Statement (incorporating an Affordable Housing Statement and Health Impact Assessment), Design and Access Statement, Statement of Community Engagement, Arboricultural Report, Transport Statement and Travel Plan, Landscape Supporting Statement, Phase 1 Habitat Survey, Flood Risk Assessment and Drainage Strategy, Services Report, Sustainability Report, and Site Waste Management Plan.
8. Amended drawings were received 20 June 2013 showing a revised layout to take account of comments raised by planning and design officers, landscape and trees officers, local highway authority and environmental health officers. A Transport Assessment and Framework Residential Travel Plan were provided, together with a revised Flood Risk Assessment. An amended Waste Management Plan and Health Impact Assessment were also submitted.

### Planning History

9. There is no history of planning permissions on this site. Adjoining land to the west has been developed for residential under planning permission **S/1551/04/O** granted in May 2007 and subsequent reserved matters consents **S/1737/07/RM** and **S/1260/09/RM** together with associated S106 Agreements. This site had previously been used as a garden nursery and was allocated in the South Cambridgeshire Local Plan 2004 for residential development (Policy Waterbeach1).
10. An appeal case from 1986 on the eastern side of Cody Road at its junction with Bannold Road is of relevance – **S/1431/85/O & T/APP/W0530/A/86/044894/P4** dated 12 August 1986. This was a proposal to erect five dwellings and garages on land then in agricultural use. The Inspector commented:

'Waterbeach is a varied and characterful village which has succeeded in absorbing a large number of new houses without losing its compact and attractive appearance. It is separated from Waterbeach Barracks by a strip of arable land only some 200 m wide and the barracks itself is as extensive as a large village. It seems to me highly desirable that a wedge of open land should be retained between the two settlements to prevent their coalescence. Bannold Road, with its grass verges, mature trees and generally rural appearance, forms a natural northern boundary to the village,



providing open views of farmland with the barracks beyond... If the appeal site were also to be built on this would further reduce the visual impact of the green wedge and it might be difficult to resist pressure for more house building on the land to the east of the site.'

11. A current application for the development of 4.0 hectares of agricultural land to the east off Bannold Road for up to 90 dwellings is under consideration – **S/1359/13/OL**.

### **Planning Constraints**

12. The site lies in the countryside but adjacent to the development framework boundary, which runs along the western and southern perimeters. The land is classified as Agricultural Grade 2. It lies within Flood Zone 1 (low risk). It forms part of Landscape Character Area 'The Fens'.

### **Planning Policy**

13. National Planning Policy Framework 2012 ('NPPF')  
NPPF Technical Guidance 2012  
PPS1: The Planning System: General Principles 2005  
Draft National Planning Practice Guidance ('NPPG') - 28 August 2013
14. Local Development Framework Core Strategy 2007  
**ST/2** Housing Provision  
**ST/5** Minor Rural Centres  
**ST/10** Phasing of Housing Land  
**ST/11** Plan Monitor Manage
15. Local Development Framework Development Control Policies 2007  
**DP/1** Sustainable Development  
**DP/2** Design of New Development  
**DP/3** Development Criteria  
**DP/4** Infrastructure and New Developments  
**DP/7** Development Frameworks  
**HG/1** Housing Density  
**HG/2** Housing Mix  
**HG/3** Affordable Housing  
**NE/1** Energy Efficiency  
**NE/3** Renewable Energy Technologies in New Development  
**NE/4** Landscape Character Areas  
**NE/6** Biodiversity  
**NE/8** Groundwater  
**NE/9** Water and Drainage Infrastructure  
**NE/11** Flood Risk  
**NE/12** Water Conservation  
**NE/14** Lighting Proposals  
**NE/17** Protecting High Quality Agricultural Land  
**TR/1** Planning for More Sustainable Travel  
**TR/2** Car and Cycle Parking Standards  
**TR/3** Mitigating Travel Impact  
**TR/4** Non-motorised Modes  
**SF/10** Outdoor Playspace, Informal Open Space, and New Developments  
**SF11** Open Space Standards

16. South Cambridgeshire LDF Supplementary Planning Documents (SPD):
  - Trees & Development Sites**, Adopted January 2009.
  - Biodiversity** (2009).
  - District Design Guide** (2010).
  - Open Space in New Developments** (2009)
  - Public Art** (2009)
  - Health Impact Assessment** (2011)
  - Landscape in New Developments** (2010)
  - Affordable Housing** (2010)
17. **South Cambridgeshire LDF Strategic Housing Land Availability Assessment** ('SHLAA')  
Site 089
18. **Cambridge Sub Region Strategic Housing Market Assessment** May 2013 ('SHMA')
19. **South Cambridgeshire Local Plan Proposed Submission** (July 2013)
  - S/4 Cambridge Green Belt
  - S/7 Development Frameworks
  - S/9 Minor Rural Centres
  - SS/5 Waterbeach New Town
  - CC/3 Renewable and Low Carbon Energy in New Developments
  - CC/4 Sustainable Design and Construction
  - CC/8 Sustainable Drainage Systems
  - CC/9 Managing Flood Risk
  - HQ/1 Design Principles
  - HQ/2 Public Art and New Development
  - NH/2 Protecting and Enhancing Landscape Character
  - NH/3 Protecting Agricultural Land
  - NH/4 Biodiversity
  - NH/6 Green Infrastructure
  - H/7 Housing Density
  - H/8 Housing Mix
  - H/9 Affordable Housing
  - H/11 Residential Space Standards for Market Housing
  - SC/2 Health Impact Assessment
  - SC/6 Indoor Community Facilities
  - SC/7 Outdoor Play Space, Informal Open Space and New Developments
  - SC/8 Open Space Standards
  - TI/2 Planning for Sustainable Travel
  - TI/3 Parking Provision

Policies Map Inset No.104 : Waterbeach– the application site together with agricultural land to the east of Cody Road lies in the Green Belt Extension (Policy S/4) between Waterbeach village and the new town.

Policies Map Inset H: Waterbeach New Town. The northern boundary of the application site adjoins the southern boundary of the proposed New Town (Policy SS/5)

**Consultation by South Cambridgeshire District Council as Local Planning Authority**

20. **Waterbeach Parish Council**- Objection on the grounds of the following:
- a) Poor drainage of site.
  - b) Lack of agreement with third party over use existing means of drainage, also not in application.
  - c) Concerns of Internal Drainage Board over ongoing maintenance work
  - d) Parish Council consider the development to be outside the village framework and want to maintain green space, as recorded in the minutes of a Parish Council meeting held in August 2012 on South Cambridgeshire Issues and Options Report (Minute 104/12).
  - e) Insufficient parking provided, which will impact on village.
  - f) Public transport infrastructure not sufficient to cope with increased pressures (Army personnel didn't have to use transport to get to work).
  - g) Concerns over bio-diversity survey and the possible presence of crested newts.
  - h) Concern over the shared footpaths with Cam Locks.
  - i) Inadequate play space.
21. **Planning Policy Manager**—The site is outside the village framework boundary defined in the existing Local Development Framework and is not subject to other plan designations. Core Strategy policy ST/5 identifies Waterbeach as a Minor Rural Centre within which housing developments of up to 30 dwellings will be permitted within the village framework. Development Control DPD policy DP/7 on development frameworks states that outside village frameworks, only development for agriculture, forestry, outdoor recreation and other uses needing a countryside location will be permitted.
22. However, the Council is required to have a 5 year land supply against its housing requirements by NPPF paragraph 49.
23. The NPPF came into force in March 2012 and paragraph 215 says that the weight to be given to the policies of existing plans following a 12-month period after publication will depend upon the degree to which they are consistent with the NPPF. It also states that decision-takers may also give weight to relevant policies in emerging plans (like the Local Plan). The weight to be accorded to the policies depending on the stage of preparation of the plan, the extent that there are unresolved objections to relevant policies and the degree of consistency of the policies with the NPPF.
24. The Council published its Proposed Submission Local Plan on 19 July 2013. It is anticipated that the plan will be submitted in Spring 2014, with Adoption in the first half of 2015. The housing supply figures in the Local Plan are based upon the current objective assessment of housing need set out in our Strategic Housing Market Assessment 2013. With regard to 5 year land supply, the Council (Cabinet on 27<sup>th</sup> June 2013), has resolved that it is now most appropriate to use the Proposed Submission Local Plan housing target and plan period for the purposes of calculating housing land supply pending adoption of the new Local Plan. Key reasons for this change include the fact that the housing provision figures in our existing LDF documents are now out of date being based on the revoked 2003 Cambridgeshire Structure Plan and not based on an NPPF compliant objective assessment of housing need.
25. Calculated on the basis of the housing target and plan period in the draft Local Plan, the Council does have a five year housing supply looking ahead with a supply of 5.5 years between 2014-2019 (such figures are normally calculated from the start of the following monitoring year rather the current year). This approach is consistent with

the draft National Planning Practice Guidance which states that plan makers should use existing plan housing provision figures to calculate 5 year supply, but importantly adding 'provided these are up to date and based on a current objective assessment of housing need'.

26. Looking at the tests summarised in paragraph 23 above, some weight can be attached to the emerging Local Plan policies as they have already been consulted upon with the public on their development through the Issues and Options consultations. Objections to relevant policies will not be known until after the end of consultation on 14 October 2013.
27. There is also a high degree of consistency with policies of the NPPF, and in particular that the Proposed Submission Local Plan is based on objectively assessed needs for housing in a recently published Strategic Housing Market Assessment (SHMA), which also states that there is no backlog of demand beyond identified figures, which are for 19,000 new homes in the period 2011-2031.
28. The development of the site is not needed to provide a 5 year land supply.
29. In view of the latest evidence on land supply, relevant policies of the adopted LDF continue to have significant weight. The village policies that restrict development outside village framework boundaries and control the scale of development within frameworks compatible with the level of services, facilities and public transport available at a village are consistent with the NPPF requirement for sustainable development. The Proposed Submission Local Plan, published on 19 July, carries forward these village policies largely unchanged.
30. The proposed submission Local Plan includes provision for a new town north of Waterbeach of between 8,000 to 9,000 homes. The plan will seek to protect and ensure separation between the existing village and the new town by designating land as Green Belt at Bannold and Cody Roads as is provided for by NPPF paragraph 82 which identifies the planning of new settlements as an exceptional circumstance justifying the proposal of a new area of Green Belt. The intentions of the Local Plan and its overall provisions towards housing and Waterbeach are of sufficient weight to affect decisions on current applications. Development of the site would be clearly contrary to key elements of the emerging Local Plan and would be harmful to the Council's intentions for the way that the existing village should maintain a degree of separation from the new town over the long term.
31. Having regard to the 5 year land supply, and to the planning of the new settlement and its relationship with Waterbeach it is clear that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of 60 additional homes, taking into account the policies of the NPPF and other material considerations.
32. **Landscape Development Officer-** A satisfactory landscaping scheme has been submitted. Recommended conditions in the event that planning permission is granted.
33. **Trees and Landscape Officer-** Trees on the site are not afforded any statutory protection.
34. **Arts Development Officer-** Supports the developer contribution of £30,000 towards arts as an appropriate sum.

35. **S106 Officer** – The applicant has accepted the level of necessary financial contributions to mitigate the development in terms of open space, indoor community facilities, public art, household waste receptacles, S106 monitoring and as required by Cambridgeshire County Council.
36. **Environmental Health Officer** – No objection in principle subject to conditions relating to noise, contamination and external lighting being attached to any planning permission granted.
37. **Environmental Services Contracts Officer** –Additional information has been provided at the request of the ESC Officer and further comments are awaited. The developer will be required to fund provision of waste receptacles through a S106 Agreement.
38. **Environmental Health Public Health Specialist**- Additional information has been provided at the request of the Public Health Specialist and further comments are awaited.
39. **Housing Development Officer** – The proposal takes into account the Council's preferred mix and tenure split for affordable housing. The HD Officer supports the proposal.
40. **Drainage Manager** –The Drainage Manager has accepted the approach outlined in the revised Flood Risk Assessment. Originally the Drainage Manger had concerns because:
- a. most of the downstream section to the existing watercourse is in a redundant state. The developer's proposal depends on downstream landowners maintaining their individual section of the watercourse.
  - b. the south west piped section presented a problem as the pipe size and condition is unknown and access for cleaning may not be possible as the drain runs through private rear and front gardens.
41. His objection to the proposal has been lifted subject to the Cody/Bannold Road junction being available for use as the point of connection and this adequately covered by a clearly worded planning condition. This would mean addition cost but would avoid any upstream restrictions.
- The Drainage Manager has noted that the site is subject to surface water flooding as the original agricultural under-drainage no longer operates sufficiently. The developer should demonstrate means to avoid waterlogging to green areas and to prevent flooding of the proposed underground attenuation features. Adequate under-drainage should be provided to green areas. The developer should outline the method/ agreements for the long term maintenance of the private on-site drainage.
42. **Waterbeach Level Internal Drainage Board** – Concern about the suitability of the proposed use culverts and watercourses to take surface water to the Board's system. A management plan for future maintenance of these culverts and watercourses should be provided. The site is subject to surface water flooding as the original agricultural under-drainage no longer operates sufficiently. The developer should demonstrate means to avoid waterlogging to green areas and to prevent flooding of the proposed underground attenuation features. The developer should outline the method/ agreements for the long term maintenance of the private on-site drainage. The outstanding matters could be required by condition to any planning permission granted.

43. **Environment Agency-** No objection subject to recommended conditions and informatives to ensure no unacceptable risk to the water environment.
44. **Anglian Water-** The sewage treatment works and sewerage system have adequate capacity to deal with the flows expected from the development.
45. **Local Highway Authority -** No objection in principle taking into account the information provided in the submitted transport assessment. The LHA has accepted that the vehicles generated by the development are expected to have a minimal impact on the junctions surrounding the development. The LHA has recommended conditions to be attached to any planning permission issued. The LHA is seeking improvements to the bus stop on Cody Road to be funded by the developer. The LHA has required that the two pedestrian links to Levitt Lane be secured as part of the development.
46. **County Archaeology-** The site is located in an area of high archaeological potential and should be subject to a programme of archaeological investigation.
47. **County Planning Growth & Economy –** Recommendations for financial contributions towards pre-school facilities, strategic waste infrastructure, libraries and lifelong learning are made.
48. **Cambridgeshire Fire and Rescue-** Adequate provision should be made for fire hydrants by condition or S106 Agreement attached to any planning permission issued.
49. **Police Architectural Liaison Officer-** No objection.
50. **MoD Defence Infrastructure Organisation-** No safeguarding objections to the proposal.

### **Representations by members of the public**

51. 63 letters of objection have been received from residents in Bannold Road, Bannold Court, Burgess Road, Capper Road, Cattell's Lane, Cheason Walk, Cody Road, Denny End Road, Greenside, Harding Close, Heron Walk, Josiah Court, Jubilee Close, Levitt Lane, Lode Avenue, Pritchard Walk, Pieces Lane, Shipp's Field, Spurgeon's Avenue, Station Road and Way Lane. The grounds of concern raised are:

#### **Drainage**

- a) Flooding after a rainstorm. There is no adequate storm water drainage system. The balancing pond at Camlocks may not be adequate.
- b) The existing agricultural land drainage system is broken and silted up.
- c) The drainage outfall is to an intermittent piped system which was rejected in the Camlocks development.
- d) Any drainage scheme should be maintained professionally in perpetuity.
- e) The pumping station is operating at capacity.

#### **Landscape**

- f) Loss of a green lung between the village and the barracks which provides a rural setting for the village.
- g) Loss of agricultural land when brownfield sites are still available. Undesirable precedent for such development.
- h) Loss of trees on the northern boundary.

### **Local Development Framework and Proposed Local Plan**

- i) Circumvents the LDF and emerging Local Plan and is incremental, piecemeal development outside the current village envelope, making Waterbeach potentially as large as Ely.
- j) The application is premature in advance of the Local Plan and proposed Green Belt.
- k) The retention of the green buffer land was supported on appeal in 1986.

### **Housing Supply**

- l) There is no need for additional housing as the release of housing on the Barracks onto the open market 2013 to 2015 will meet local demand.

### **Highways and traffic**

- m) Dangers to junctions at Cody Road, Bannold Road, Way Lane and Denny End, and around the school and doctor's surgery, especially after the empty houses on the married quarters of the barracks are occupied.
- n) The A10 and the road to Fen Ditton cannot take more traffic.
- o) The junction with Denny End Road should be improved for traffic and pedestrians.
- p) Increase in pedestrian activity through Camlocks when the footpaths in the new development links Camlocks to the Army Quarters.
- q) The Camlocks open space is privately funded and should not be provided free to future occupiers of the new development.
- r) Inadequate bus service to serve the development.
- s) The car park at the railway station is already under capacity.
- t) The village needs improved cycle paths which will not be provided by such incremental development.

### **Utilities**

- u) Existing sewage works unable to cope with further development.
- v) Mains water usage in the area is reaching full capacity.

### **Energy efficiency**

- w) No energy saving proposals are provided.

### Play provision

- x) Any play area should be aimed at an older age group than younger children

### Ecology

- y) The submitted wildlife report does not consider insects or loss of habitat, or the great crested newt colony at the school site.

### Density

- z) Too many houses for the site compared to development on Bannold Road.
- aa) There should be fewer dwellings and none more than two-storey in height.

### Privacy

- bb) Dwellings are sited too close to back gardens of dwellings in Bannold Road.
- cc) Dwellings are sited too close to existing married officers' houses.

### Design

- dd) The design is dull.

52. **Cam Locks Working Party** – Objection. The drainage ditch intended for surface water run-off connects to the Morris Homes balancing pond, for which it was not designed and which is privately owned. No details of future maintenance have been provided. The proposal does not conform to the requirements of Waterbeach Level Internal Drainage Board.

### Submissions by the developer/agent

53. The agent has responded to issues raised by stating that the new Local Plan is still in its early stages and consequently cannot be given weight in the determination of this planning application. This approach is outlined in paragraph 216 of the NPPF and in paragraph 18 of *PPS1- General Principles*.
- Housing supply
54. The figures for housing provision in the Core Strategy have most weight as this is the adopted plan and should be the basis for the determination of the application. Against these figures the Council cannot demonstrate a five year supply of deliverable housing land, but has approximately 2.4 years' worth of housing land. In line with the NPPF (paragraph 49) the presumption in favour of sustainable development should be applied and this application approved. The application site is in a suitable location for residential use, and there are no constraints to development or adverse impacts. The scheme will provide much needed market and affordable housing and the proposal represents sustainable development.
55. Recent appeal decisions elsewhere in England (copies supplied) have indicated that housing targets contained within a draft Local Plan carry limited weight because the figures have not yet been tested at examination in public or approved as sound. The Public Examination of the Local Plan is not expected to happen until Autumn 2014.



### Green Belt

56. The Council cannot rely on the proposal to include the site within an extension of the Green Belt as no assessment of this location has taken place in respect of this designation. In the SHLAA assessment the site was considered to have development potential.
57. A letter setting out these aspects received from Shoosmiths LLP dated 22 July 2013 is attached as Appendix 1.

### Surface water drainage

58. The scheme does not propose a connection the Cam Lock balancing pond and will not have any impact on that drainage system. As regards land drainage, if geotechnical information shows that the underlying strata is generally of an impermeable nature land drainage will be installed to the gardens and public open space which will outfall to the drainage ditch located adjacent to the western boundary. This will deal with the flooding shown in a photograph which has been circulated which shows water sitting on a portion of the development site.
59. The developer has full legal rights to drain into the ditch and downstream watercourses. It is the duty of downstream neighbours to carry out adequate maintenance to allow water to pass freely across their site. However, the developer has made a commitment in section 6.1.3 of the revised Flood Risk Assessment to offer riparian owners of the open ditches a one-off maintenance of their ditch. There are no adopted sewers in the vicinity of the development site.
60. The agent states that the Environment Agency and Internal Drainage Board are content with the schemes.

### Material Planning Considerations

61. The application has been brought to the attention of Members not only because of the widespread local concern at the proposal but also because of issues relating to assessment of housing supply and the emerging Local Plan that may be relevant to the consideration of other development proposals in the District.

### *Principle of development*

62. The site lies outside but adjoining the development framework, where new housing development would normally be resisted. The concerns of principle relate to the harm to the appearance of the countryside and the loss of a rural separation between the existing village and the former barracks. Although landscaping proposals within the development itself are considered generally to be acceptable, the loss of countryside in this sensitive location would be a significant harm and would form a precedent for further such proposals on agricultural land to the east, to the progressive harm to the countryside. This would be contrary Policies DP/3, DP/7 and NE/4 of the LDF.
63. Policy ST/2 of the Core Strategy sets out a hierarchy of provision of new housing in the district. The provision of new housing in the rural area outside the edge of Cambridge or in the new town of Northstowe is given the least preference in this policy, and in Policy ST/5 Waterbeach is classified as a Minor Rural Centre where development should be limited to an indicative maximum scheme size of 30 dwellings within the village framework. Taking these parameters into account it is considered that the proposal does not comply with the adopted strategic vision for the location of new housing in the District and does not represent a sustainable form of development.

### *Housing Supply*

64. The NPPF has introduced the principle that a Local Plan/LDF be considered to be out of date if the Local Planning Authority cannot demonstrate a deliverable five-year supply of housing land in its area with an additional buffer of 5%. Where the Local Plan/ LDF is out of date for this reason, the LPA must consider housing applications in the context of the presumption in favour of sustainable development.
65. The applicant is strongly of the view that the Council's figures on housing supply do not meet this test and that accordingly the application should be assessed on its merits. The Planning Policy Manager has not accepted the applicant's reservations and considers that the housing target and plan period in the Local Plan based upon a current robust and up to date SHMA has shown that sufficient land is available to meet the Government's requirements with regard to 5 year land supply. It follows that other relevant LDF policies can be considered as up to date and can be applied to the current application.
66. It is considered that the proposal represents unsustainable development as it does not accord with the Council's adopted strategic vision for development in the District, and that it would result in demonstrable harm to the appearance and function of the countryside leading to and setting a precedence for further coalescence with Waterbeach Barracks, the site of a proposed new town in the draft Local Plan.

### *Emerging Local Plan*

67. The draft policies proposals as set out in the Local Plan Proposed Submission are at an early stage of progression through to adoption. The Government's guidance in PPS1 General Principles the NPPF, and the NPPG indicate that they carry little weight at this stage except in exceptional circumstances. The proposal to designate the site as Green Belt Extension (which the NPPG only permits in exceptional circumstances such as the planning of a new settlement), would be significantly harmed if the current proposal were to be implemented, as it represents approximately 18% of the proposed Green Belt area. In order for the draft Green Belt Extension proposal to be considered fully, and not to be prejudiced by incremental development, it is considered that the current application should be rejected on the grounds that to grant approval for development on such a significant scale would be premature at this time.
68. The draft NPPG provides emerging guidance when considering whether a development proposal is premature. It states:
- 'While emerging plans may acquire weight during the plan-making process, in the context of the National Planning Policy Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in exceptional circumstances (where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account). Such circumstances are likely to be limited to situations where both:
- a. the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood plan; and
  - b. the emerging plan is at an advanced stage but has not yet been adopted (or, in the case of a neighbourhood plan, been made).

'Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a neighbourhood plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.'

69. It is considered that such exceptional circumstances are present. The proposed extension to the Green Belt is integral to the new town proposal in order to retain essential visual separation between the two settlements and which is a matter the NPPF says should be considered when allocating a new town. As a result, to grant permission here would fundamentally harm the future planning of the new town and maintaining separation with the village in the long term. The emerging Local Plan has been the subject of two rounds of consultation and the new town and its extended Green Belt are central components of the Draft Submission Local Plan.

### *Surface water disposal*

70. The applicant intends to incorporate existing drainage ditches and watercourses under third party control in order to direct surface water to the IDB adopted sewer. The Drainage Manager is satisfied that the revised Flood Risk Assessment has put forward a workable solution to the provision of this scheme. This would also require that any necessary drainage for gardens and open space may be provided. It is recommended that officers be given delegated powers to seek resolution in principle of these matters prior to the determination of the application, with details to be resolved by recommended conditions and S106 agreement in the event that an appeal against any refusal of planning permission is lodged.

### *Highway matters*

71. The Local Highway Authority does not share the concerns of local objectors about the impact of the proposal on highway safety on nearby roads. The concerns of Waterbeach Parish Council about parking are noted, but the proposed parking provision is at a rate of 1.9 spaces per dwelling, which is considered to be adequate. The provision of two footway links to the Camlocks development is not supported by the Parish Council or several objectors. The Local Highway Authority has required that these links be provided. Further information has been requested from the developers as to their ability to provide these paths on land outside their ownership. It is recommended that officers be given delegated powers to resolve this issue prior to issuing any determination of the planning permission.

### *Detailed matters*

72. The submitted application is considered to be acceptable in terms of layout, affordable housing provision, market housing mix, open space provision, density, safeguarding of existing residential amenity, design and infrastructure contributions. Delegated authority is requested to carry out further negotiations in order to safeguard trees on the northern boundary and existing hedgerow on the western boundary.

### *Other matters*

73. The Ecology Officer has indicated no concern about possible impact on the Great Crested Newt colony at the school, as the intervening existing development would present an effective barrier against the newts reaching the site.
74. The concerns about pedestrian links to the adjacent open space and development are noted but also that pedestrian linkages separate from the highway network are to be encouraged so as to integrate new and existing development. The issue of legal

rights and financial arrangements are private matters between the parties, as the scheme would not be considered as unacceptable (in these terms) should the proposed links fail to be provided.

### Recommendation

75. It is recommended that officers be granted delegated authority to resolve issues of landscaping, surface water drainage and S106 matters and that, subject to these being satisfactorily resolved, the application be REFUSED for the following reasons:
1. The implementation of the proposed development, if approved, would prejudice the consideration of submitted Policy S/4 Cambridge Green Belt and the proposed Green Belt Extension shown upon Policies Map Inset No.104 of the South Cambridgeshire Local Plan Proposed Submission (July 2013) in that the site occupies a significant proportion of the area which has been put forward for consideration in the submitted designation and would harm the effectiveness of the submitted proposal, if it is to be included in the Adopted Local Plan. The erosion of the proposed Green Belt Extension would seriously harm the objectives of the proposed Waterbeach New Town as set out in draft Policy SS/5 Waterbeach New Town and Policies Map Inset H: Waterbeach New Town of the South Cambridgeshire Local Plan Proposed Submission (July 2013).
  2. The development would result in the loss of an important landscape buffer area between Waterbeach and Waterbeach Barracks, to the harm of the landscaped setting of each, and would represent an undesirable coalescence of the village and Barracks contrary to the adopted Local Development Framework 2007 at Policy DP/3, which seeks to prevent development that would have an unacceptable adverse impact on the countryside and landscape character; at Policy DP/7, which states that outside village frameworks only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted: the aims of the policy seek the protection of the countryside from gradual encroachment and to help guard against incremental growth in unsustainable locations: and at Policy NE/4, which seeks to preserve the local character and distinctiveness of the District's landscape.
  3. The proposal to erect 60 dwellings on the application site adjacent to the adopted development framework boundary for Waterbeach represents development which is unsustainable in scale and location because it fails to accord with the adopted intentions of the Local Planning Authority for the provision of housing in the District as set out in Policy ST/2, which provides a strategy for the location of new housing in the District, and Policy ST/5, which includes Waterbeach as a Minor Rural Centre with more limited services where residential development up to an indicative maximum of 30 dwellings will be permitted, in the South Cambridgeshire Adopted Core Strategy Development Plan Document 2007.

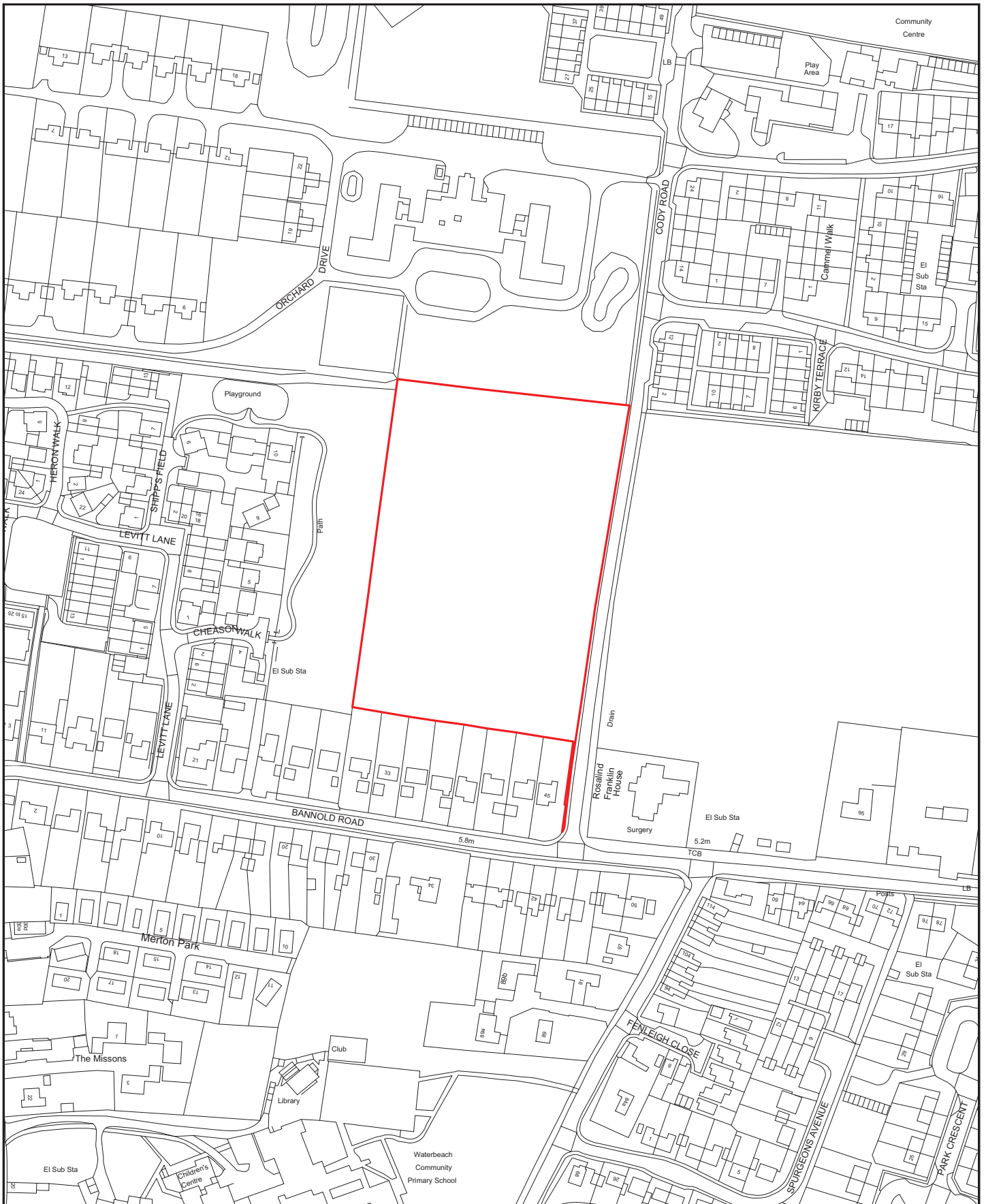
**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Adopted Core Strategy Development Plan Document 2007
- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- Cambridge Sub Region Strategic Housing Market Assessment
- South Cambridgeshire LDF Strategic Housing Land Availability Assessment
- South Cambridgeshire Local Plan Proposed Submission (July 2013)
- National Planning Policy Framework 2012

- NPPF Technical Guidance 2012
- PPS1: The Planning System: General Principles 2005
- Draft National Planning Practice Guidance ('NPPG') - 28 August 2013
- Planning file refs S/0645/13/FL; S/1431/85/O.

**Case Officer:** Ray McMurray – Principal Planning Officer  
Telephone: (01954) 713259

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**South  
Cambridgeshire  
District Council**

**Planning Dept - South Cambridgeshire DC**



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Delivered: by email and post

Your Ref S/0645/13/FL  
Our Ref TDW ljp 206008  
Date 22 July 2013

Dear Sir

**S/0645/13/FL - ERECTION OF 60 DWELLINGS (CLASS C3) INCLUDING AFFORDABLE HOUSING, ACCESS, CAR PARKING, AND ASSOCIATED WORKS, OPEN SPACE, LANDSPACING AND A CHILDREN'S PLAY AREA**

#### LAND AT CODY ROAD WATERBEACH

We act for Manor Oak Homes Limited and have been provided with copies of recent correspondence passing between our client's planning consultant, Peter McKeown and the planning officer, Ray McMurray, in relation to the above Application.

Specifically, we have been referred to Mr McMurray's email dated 9 July and Mr McKeown's response of the 18 July.

As far as we are aware, the LPA has not replied to Mr McKeown's letter. We would confirm at this stage, however, that we agree entirely with the points made in that letter and endorse Mr. McKeown's approach to the application of National and Local Planning Policy.

Suffice to say, we are very surprised by and have deep concerns about the LPA Policy Team's own interpretation of NPPF Policies and their application to our client's site. The arguments raised and conclusions reached are totally misconceived and expose a worrying misunderstanding of the relevant policy framework.

To be clear, the correct approach to determination of this Application should be as set out below.

#### THE CORE STRATEGY

We note that the LPA's Core Strategy Development Plan Document was adopted in January 2007 and contains the most up-to-date and tested figures on housing provision.

Policy ST/2 "Housing Provision" states that 20,000 new homes will be provided in South Cambridgeshire during the period 1999-2016 and that provision of affordable housing will be sought as part of overall housing provision.

One of the objectives of the Core Strategy as set out by the LPA is to

*"...reflect the strategy in the Cambridgeshire and Peterborough Structure Plan 2003 with the focus on locating new development in the most sustainable locations..."*

The LPA has already identified Waterbeach as one of the most sustainable villages in the District. Indeed as stated in the Planning Statement supporting our client's Application:

*"...there are a wide range of services and facilities present within the village and Waterbeach also benefits from having a railway station offering direct access to Cambridge, Ely and London Kings Cross. The application site is accessible to the services and facilities provided within the village by walking cycling and public transport and the proposals will provide much needed housing for the District."*<sup>1</sup>

In addition, the proposed development would make an immediate and crucial contribution towards the LPA's five year supply of deliverable housing sites. Critically, the development proposed includes 24 affordable dwellings for which there is a significant need across the District.

### THE NATIONAL PLANNING POLICY FRAMEWORK

Since adoption of the Core Strategy, the National Planning Policy Framework issued in March 2012 ("NPPF") has re-emphasised that sustainable development should go ahead, without delay. Indeed, paragraph 14 of the NPPF states:

*"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking... for decision taking this means ...where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole or specific policies in this framework indicate development should be restricted."* (Our emphasis).

It is accepted by the LPA that its current housing land supply is 2.4 years based on the Core Strategy Policy ST/2.<sup>2</sup> A point which is reiterated in the Policy Team's email of 9 July 2013.

That document also states that:

*"...the Council has a shortfall in five year housing land supply against the Core Strategy target to 2016. Government Policy in the National Planning Policy Statement is that Councils should have a rolling five year supply of housing land."*<sup>3</sup> (Our emphasis).

It must be of some considerable concern to the LPA that between 2009 and 2012 the Annual Monitoring Report shows a deteriorating five year land supply as a:

*"...result of the recession and the major reduction seen in housing completions nationally, combined with a development strategy that expected the major sites to come forward towards the end of the plan period which are themselves being delayed by the recession."*<sup>4</sup> (Our emphasis).

<sup>1</sup> Paragraph 10.3 of the Planning Statement dated March 2013

<sup>2</sup> Paragraph 5.23 of the Annual Monitoring Report dated December 2012

<sup>3</sup> Paragraph 5.24 of the AMR dated December 2012

<sup>4</sup> Paragraph 5.25 of the AMR dated December 2012

In short, there is a shortfall in achieving five year housing land supply targets which is ongoing. As such the LPA has to look favourably upon those housing development sites which are **available now, deliverable and sustainable**. Our client's site satisfies all of these specific criterion.

The LPA's position as expressed in the Policy Team's email is not assisted by paragraph 47 of the NPPF which suggests that the LPA should be looking here at a five year plus 5% supply of housing land. Potentially as a result of persistent under delivery of housing, that buffer should be 20% i.e. a six year housing land supply figure. At present, the LPA is woefully short of the five year figure in any event.

**Further paragraph 49 of the NPPF** states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing **should not be considered up-to-date if the LPA cannot demonstrate a five year supply of deliverable housing sites**. That in turn triggers paragraph 14 and planning permission should be granted unless any adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits when assessed against the policies in this Framework.<sup>6</sup>

The LPA has already assessed Waterbeach as a sustainable location for development and there are no other "**significant**" adverse impacts which "**demonstrably**" outweigh the benefits of providing much needed housing (including affordable housing), in this location. In fact, there are no "technical" objections at all.

Given the factual matrix that applies here, the only conclusion that can and should be reached by a "reasonable" local planning authority (acting "reasonably"), in this case, therefore, is that planning permission should be granted for our client's application without delay.

Any decision other than to grant permission will be entirely perverse and unreasonable and potentially open the Council to legal challenge and the significant costs associated with that.

#### THE EMERGING LOCAL PLAN

Again, we find the comments made by the LPA's Policy Team in relation to the emerging Local Plan quite surreal, particularly with regard to the weight to be attributed to emerging (i.e. draft), policies, given that the Plan is at first consultation stage and unlikely to be formally adopted until Summer 2015 at the earliest.<sup>6</sup>

The NPPF is clear that while decision makers may give weight to relevant policies in emerging plans, that very much depends upon the stage of preparation of that plan (the more advanced the preparation the greater the weight that may be given), but importantly, that weight is tempered by any unresolved objections to relevant policies and the degree of consistency of the relevant policies in the plan to the Framework.<sup>7</sup>

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<sup>6</sup> The Secretary of State's Decision Letter dated 14 May 2013 (Jelson Homes Reference APP/X2410/A/12/2173673) confirmed in Paragraph 8 that once the Framework is engaged a failure to demonstrate a five year deliverable supply of housing sites is a matter to which substantial weight must be accorded.

<sup>6</sup> In Appeal Decision (APP/H2835/A/12/2182431) (Irchester) the Inspector concluded at Paragraph 48 that dismissal of the Appeal on the grounds of prematurity would effectively delay a final decision on the development for at least 18 months stating "In the context of the housing land shortfall that I have identified such delay is clearly undesirable." The draft Core Strategy review in that case was at first consultation stage and unlikely to be submitted for examination for about a year.

<sup>7</sup> Paragraph 216 of the NPPF

It is neither reasonable or logical for the LPA's Policy Team to give "*significant weight*" to emerging Local Plan policies, not least because the Local Plan is still in the consultation stage, has not been tested and has yet to be the subject of independent examination.<sup>8</sup>

Housing supply/needs have to be an objectively assessed (see paragraph 47 of the NPPF), and crucially, the LPA cannot rely on untested five year housing land supply figures which clearly contradict the (tested) figures in the adopted Core Strategy and evidence collated as part of the Annual Monitoring Report published a mere seven months ago.<sup>9</sup>

Even if this were not the case, Planning Policy Statement 1 "General Principles" remains extant advice on "*prematurity*" of applications and states:

*"Where a plan is under preparation or review it may be justifiable, in some circumstances, to refuse planning permission on the grounds of prematurity. This may be appropriate in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would prejudice the outcome of the plan process by pre-determining decisions about the scale, location or phasing of new development which ought properly to be taken in the development plan context. A proposal for development that has an impact only a small area would rarely come into this category, but a refusal might be justifiable where a proposal would have a significant impact on an important settlement, or a substantial area, with an identifiable character..."<sup>10</sup> (our emphasis)*

Further, paragraph 47 states:

*"Other than in the circumstances described in paragraph 46, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications will continue to be considered in the light of current policies."<sup>11</sup>*

As our client's proposed development amounts to 60 residential dwellings, we fail to see how this has any impact (significant or otherwise), on the LPA's strategic plan or indeed would cause any or substantial prejudice to that plan.<sup>12</sup>

On the contrary, given the LPA's dire five year housing land supply position, it is clear that our client's application will actually complement and contribute towards the LPA achieving its current five year / six year housing land supply requirement in that this site is *deliverable now, available now and in a suitable location for development now*. (See footnote 11 to Paragraph 47 of the NPPF). In other words, our client's site does not compete or impact upon the strategic objectives of the LPA. There are also no significant adverse impacts which demonstrably outweigh the benefits of our client's scheme. As indicated above, those benefits include provision of much needed housing (including affordable housing), as well as those other community benefits set out in the supporting Planning Statement lodged with our clients application.

<sup>8</sup> In Appeal Decision (APP/H2835/A/12/2182431) (Irchester) the Inspector also concluded at Paragraph 52 that a dismissal of the Appeal on the grounds of prematurity could not be justified as the neighbourhood plan was unlikely to come forward until the second half of 2014 stating that "...If development proposals were to be put off until then there would be a serious risk of adversely affecting the performance of the local economy and allowing the housing shortfall to continue".

<sup>9</sup> In the Irchester Decision the Inspector also stated at Paragraph 45 that the five year land supply figure should be calculated on the requirements of the adopted Core Strategy. In Paragraph 44 he made the point that the underlying housing need remained as set out in the Core Strategy and that nothing "...has yet taken the place of the adopted Core Strategy... which in the meantime remains the only authoritative basis on which to assess district housing requirements"

<sup>10</sup> Paragraph 46 of PPS1 General Principles

<sup>11</sup> Paragraph 47 of PPS1 General Principles

The LPA's stated position as far as this application is concerned is also inconsistent with its approach to other recent housing applications. For example, Members resolved to grant permission for 47 dwellings in Long Drove Cottenham in February 2013 on the basis that it was *"...the only option available to the Council to increase (housing) supply in the short run..."* This is an express acceptance of the dire housing land supply position and the need to address that *now*.

In light of the above, any decision to refuse our client's application on the basis that it is premature to the emerging Local Plan would be entirely unreasonable and a flagrant disregard of National Planning Policy. It would also be inconsistent with recent "called in" decisions made by the Secretary of State. As such, it would potentially open the LPA to a successful costs application, should our client be compelled to appeal against such refusal.

In the circumstances, we should be grateful for your immediate confirmation that the LPA does not intend to pursue those fallacious arguments raised by its Policy Team.

### GREEN BELT ISSUES

Finally, we have noted the LPA's intention to include our client's land within the Green Belt.

The LPA's justification for this appears to be linked to the proposed provision (through the Local Plan), for a new town north of Waterbeach of between 8,000 to 9,000 homes. As stated in the Policy Team's email the LPA is to "seek" to *"...protect and ensure separation between the existing village and the new town by designating land as Green Belt at Bannold and Cody Roads..."*

The fact is, however, that our client's application for housing *on this site and in this location* has to be determined on the basis of *existing policy and other material considerations which have weight*, not on an aspiration expressed in an emerging Local Plan which is yet to be tested at independent examination.

Again, the LPA cannot place any weight or reliance on its intention to allocate the land as Green Belt for the same reasons that we have specified above. Specifically, we would refer you to paragraph 83 of the NPPF which states:

*"Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, the authority should consider the Green Belt boundaries, having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period."*

Paragraph 84 goes on to state that:

*"When drawing up or reviewing Green Belt boundaries Local Planning Authority's should take account of the need to promote sustainable patterns of development."*

Again, the fundamental flaw in the LPA's proposal to extend the Green Belt in this case is that it will immediately sterilise a number of available, deliverable and sustainable sites for housing which it will quite clearly need to rely on if it is to achieve its housing land supply targets in the next five years.

It is highly unlikely that the LPA could demonstrate that the extension of the Green Belt in this case is justified given existing circumstances. The policy hurdle in paragraph 83 of the NPPF is high and requires *"exceptional circumstances"* to be shown. If such exceptional circumstances exist, why then did the LPA not choose to extend the Green Belt when it pushed through the existing Core Strategy in 2007, or indeed as part of the numerous other reviews/revisions of the Local Plan prior to that?

<sup>12</sup> Paragraph 17 of the Jelson Homes Decision stated that as a neighbourhood plan was "clearly some time from fulfilment" Paragraph 14 of the NPPF is "...inescapably influential in the context of the Framework as a whole bearing in mind the sustainability of the appeal scheme in terms of its location and characteristics."

In this respect it is also noted that the land to the North of our client's site was occupied by the MOD as a barracks, airfield and surrounding quarters from 1940 until relatively recently and is now to be re-developed for private housing. Surely if the LPA realistically wanted to prevent future integration and the separation of development as asserted, it has had ample opportunity to do so in the past 50-60 years? As such the Policy Team's reference to and justification for extension of the Green Belt appears, at best, to be a desperate and cynical attempt to construct any argument which frustrates our client's proposals; whether or not these arguments have any merit on the facts

Clearly, any reason for refusal raising issues relating to the extension of the Green Belt would be entirely unreasonable and unsustainable as an objection. The Local Plan is at a very early stage and our client's has raised and will continue to pursue significant concerns over the LPA's application of NPPF policy with regard to extensions of Green Belt given the historical context.

### CONCLUSION

In summary, we have no hesitation in advising our client that the arguments put forward by the LPA's Policy Team are fundamentally flawed, misconceived and entirely unreasonable.

It is apparent from our review of the relevant documents that this is an application for development which is entirely consistent with the Government's primary objective that sustainable development should go ahead without delay.

Importantly, by allowing our client's development of 60 residential dwellings, no prejudice will be caused to the LPA's strategic Housing Policies as set out in the emerging Local Plan. To the contrary, our client's development will make an immediate and valuable contribution to the LPA's five year housing land supply figure and complement the LPA's own objectives in this regard.

In addition, the benefits of our client's scheme are many. It is development in a sustainable location and will include much needed affordable housing and other community benefits as detailed in the supporting Planning Statement.

For all of the above reasons, any decision other than to grant planning permission for our client's proposal would be perverse, unreasonable and subject to potential appeal. That in turn will inevitably lead to a costs application based upon the LPA's failure to engage and apply, adequately or at all, with the Government's advice as set out in the NPPF, which clearly supports *this* development in *this* location.

In the circumstances, we await your urgent confirmation that our client's application will now proceed to a swift recommendation for approval.

We look forward to hearing from you.

Yours faithfully

Shoosmiths LLP

SHOOSMITHS LLP

cc: Director of New Communities and Planning – Mrs J Mills  
Legal and Democratic Services Manager – Mrs F McMillan

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 October 2013

**AUTHOR/S:** Planning and New Communities Director

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### **S/0645/13/FL - WATERBEACH**

**Erection of 60 dwellings (Class C3) including affordable housing, access, car parking & associated works, open space, landscaping and a children's play area at land to the west of Cody Road, for Manor Oak Homes**

**Recommendation: Delegated Refusal**

**Date for Determination: 25 June 2013**

#### **Update to the report**

#### **Amended Flood Risk Assessment received 10 September 2013**

#### **Agenda report paragraph number 42 – Waterbeach Internal Drainage Board**

1. Waterbeach IDB has commented on the revised Flood Risk Assessment. The IDB has concerns about the proposed routes of the drainage from the site to the Board's Main Drain, and the evidence that the culvert adjacent to the site has caused flooding in the past. However, the IDB notes that developer is working with the Council's Drainage Manager to survey the culvert.
2. The IDB has concerns with regard to the secondary route proposal. The receiving watercourse would have to be extensively improved to take the flow of water from the site. The developer would need to ensure that there is a positive system and that the water can flow down to the Board's system without causing flooding to downstream landowners. The developer in the last major development adjacent to this site expressed the opinion that these culverts and watercourses were not acceptable to take flows for a development run-off.
3. The Board will require detailed design of the attenuation system and flow control structure, details of adoption of the balancing facilities, and its own consents, before any building works take place.

#### **Agenda report paragraph number 53– Representations from members of the public**

4. A letter of objection in response to the revised Flood Risk Assessment has been received from the occupier of No.41 Bannold Road. The writer states:
  - a) Morris Homes also wanted to use the western ditch and culverted open ditch as their outfall, but this route was found to be unsuitable. Prior to the connection of the balancing pond the developers discharged some of the water to the open ditch in front of the surgery but this filled the ditch and overflowed on both sides. It did not connect to the IDB drain as there is no slope.
  - b) It is in Manor Oak Homes' interest to suggest this route as it is the cheapest and easiest rather than having to install a robust system.
  - c) If the proposed underground chambers get full or blocked the first that existing residents will know is when their properties get flooded.

- d) The ditch to the east of Cody Road does not connect with the ditch that runs along Bannold Road as there is a 200 years old oak tree growing from the bottom of the ditch.
- e) Residents will have to deal with the consequences of any failure in the proposed drainage. The ditches were designed to take the run-off from arable fields, not drains to cope with the water from a housing estate.
- f) Why should the riparian owners downstream have to maintain the ditches in order to take the flow from a housing estate when this is not what the ditches were designed for?
- g) The only acceptable solution is for a storm drain to be installed that links the site to the west of Cody Road with the Morris Homes storm drain.

**Further Information received after publication of the agenda report.**

- 5. The agent has reiterated in response to the above comments that these have been appropriately addressed and detailed discussions have been held with the Council's Drainage Manager regarding the adequacy and capacity of the downstream ditches and that these should be subject to further investigations
- 6. The applicant has indicated that a revised site area plan and suitable ownership certification will be provided to include the alternative drainage proposal within the submitted application.

**Officer comment**

- 7. The issues raised by Waterbeach IDB and the local resident are noted and have been brought to the attention of the agent. The recommendation remains that of further discussions with the applicant to establish an appropriate framework of draft conditions and draft planning obligations to ensure an adequate drainage regime for the proposed development.

**Contact Officer:** Ray McMurray – Principal Planning Officer  
Telephone: (01954) 713259



## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Planning Committee held on  
Wednesday, 2 October 2013 at 10.00 a.m.

**PRESENT:** Councillor Robert Turner – Chairman  
Councillor Lynda Harford – Vice-Chairman

**Councillors:** David Bard Val Barrett  
Brian Burling Tumi Hawkins  
Caroline Hunt Sebastian Kindersley  
David McCraith Charles Nightingale (substitute)  
Deborah Roberts Hazel Smith  
Nick Wright

Officers in attendance for all or part of the meeting:  
David Bevan (Conservation Manager), Nigel Blazeby (Development Control Manager), John Koch (Planning Team Leader (West)), Ray McMurray (Principal Planning Officer (East)), Andrew Phillips (Planning Officer), Ian Senior (Democratic Services Officer), Charles Swain (Principal Planning Enforcement Officer) and Andrew Winter (Senior Planning Officer)

Councillors Simon Edwards and Peter Johnson were in attendance, by invitation.

Apologies for absence were received from Councillor Ben Shelton.

### **39. GENERAL DECLARATIONS OF INTEREST**

Councillor Lynda Harford Non-pecuniary interest in respect of applications S/1761/13 in Rampton and S/0767/13 in Cottenham (Minutes 43 and 44 refer). Councillor Harford had attended meetings at both Parish Councils where these applications had been considered, but had offered no opinions and was considering them afresh.

Councillor Dr. Tumi Hawkins Non-pecuniary interest in respect of application S/1020/13 in Bourn (Minute 41 refers) because she had attended a meeting at Bourn Parish Council where this application had been considered, but had offered no opinions and was considering it afresh.

Non-pecuniary interest in respect of application S/1083/13 in Kingston because she is acquainted with the occupant of Rose Hide House as the chairman of Kingston Parish Council.

Councillor Sebastian Kindersley Non-pecuniary interest as an elected Member of Cambridgeshire County Council in all items where that Authority

is a statutory consultee and, specifically, as the local County Councillor for Little Gransden (Minute 45 refers) by virtue of his acquaintance with a number of individuals directly linked with this matter, which falls within his Electoral Division of Gamlingay.

Having taken legal advice, Councillor Charles Nightingale announced that, in respect of the Enforcement Action proposed in Stapleford (Minute no. 50 refers), he would retire to the public gallery because of a conflict of interest and perceived pre-determination, take no part in the debate and would not vote.

**40. MINUTES OF PREVIOUS MEETING**

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 4 September 2013.

**41. S/1020/13/FL - BOURN (THYSSEN KRUPP TALLENT LTD, THE AIRFIELD, BOURN)**

Jenny Massey (objector from Caldecote), Don Proctor (applicant's agent) and Jack Long (Caldecote Parish Council) addressed the meeting.

The Committee **deferred** the application so that officers could draw up a list of Conditions and submit it to the Planning Committee meeting on 6 November 2013 for approval.

**42. S/1083/13/FL - KINGSTON (NORTH FARM HOUSE, CHURCH LANE)**

Pat Draper (objector) and (Dale Mayhew (applicant's agent) addressed the meeting.

Members visited the site on 1 October 2013. The Committee **approved** the application subject to safeguarding Conditions to include those referred to in the report from the Planning and New Communities Director and a further Condition relating to ground levels.

**43. S/1761/13/FL- RAMPTON (9 COW LANE)**

Phil Richards (applicant) addressed the meeting.

Members visited the site on 1 October 2013. The Committee **approved** the application contrary to the recommendation in the report from the Planning and New Communities Director, subject to the Conditions set out therein.

**44. S/0767/13/FL- COTTENHAM (UNITS 13 TO 22, THE MALTINGS, MILLFIELD)**

Michael Alderton (objector), Tony Nicholas (Cottenham Parish Council) and Councillor Simon Edwards (a local Member) addressed the meeting.

The Committee **deferred** the application to allow Cambridgeshire County Council, as Local Highways Authority, to review its consultation response in the light of clarification made at the meeting, and to allow officers to seek advice from an independent highways consultant.

**45. 01/12/SC - LITTLE GRANSDEN (OLD RECTORY)**

The Committee **received and noted** a report about the settlement of a compensation

claim by the owners of the Old Rectory, Little Gransden, resulting from the refusal of an application to fell trees which were protected by a Tree Preservation Order (Minute no. 51 of the Planning Committee meeting held on 5 September 2012 refers).

**46. S/1179/13/RM - ORCHARD PARK (PARCEL B4, LAND OFF CHIEFTAIN WAY)**

The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director, as slightly reworded following the Case Officer's verbal update.

**47. S/1246/13/FL - MELDRETH (TAVERN YARD & STATION YARD, HIGH STREET)**

Mr Durrant (for the applicant) and Councillor Dr. Susan van de Ven (local Member) addressed the meeting.

The Committee gave officers **delegated powers to approve** the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 and to the suggested Conditions outlined in the report from the Planning and New Communities Director, and to best endeavours being used to develop a set of Conditions that will address the issue of noise nuisance caused by the nearby storage and distribution depot.

**48. S/1375/13/VC - SWAVESEY (20 MOAT WAY)**

Daniel Aguilar (applicant's agent) addressed the meeting.

Members visited the site on 1 October 2013. The Committee **approved** the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing financial contributions towards community infrastructure and public openspace in Swavesey, and the provision of refuse bins, and to the Conditions and Informatives referred to in the report from the Planning and New Communities Director.

**49. S/0645/13/FL - WATERBEACH (LAND TO THE WEST OF CODY ROAD)**

David Armstrong (objector), Peter McKeown (applicant's agent) and Councillor Peter Johnson (a local Member) addressed the meeting.

Members visited the site on 1 October 2013. The Committee gave officers **delegated powers to refuse** the application for the reasons set out in the report from the Planning and New Communities Director, Reason 1 being reworded slightly as follows:

"1. The implementation of the proposed development, if approved, would prejudice the consideration of draft Policy S/4 Cambridge Green Belt and the proposed Green Belt Extension shown upon Policies Map Inset No.104 of the South Cambridgeshire Local Plan Proposed Submission (July 2013) in that the site occupies a significant proportion of the area which has been included in the draft Local Plan and would harm the effectiveness of the submitted proposal, if included in the Adopted Local Plan. The erosion of the proposed Green Belt Extension would seriously harm the objectives of the proposed Waterbeach New Town as set out in draft Policy SS/5 Waterbeach New Town and Policies Map Inset H: Waterbeach New Town of the South Cambridgeshire Local Plan Proposed Submission (July 2013)..."

**50. ENFORCEMENT - STAPLEFORD (HILL TREES)**

The Enforcement Officer gave a short presentation to the Committee, showing to Members a number of slides that demonstrated the current extent of the circumstances facing the Council.

Having taken legal advice, Councillor Charles Nightingale retired to the public gallery because of a conflict of interest and perceived pre-determination, took no part in the debate and did not vote.

Fleet Cooke (landowner) addressed the meeting. He stated his case but urged the Committee to defer making a decision for one month because he had only received the relevant agenda papers four days beforehand and would welcome an opportunity to instruct his own planning and legal advisors. In response to Mr. Fleet's specific points, the Development Control Manager stated that, although in the past there had been periods of compliance with Enforcement Notices, there were currently significant inadequacies. He added that there was no established use of the land and no evidence of the current use of the land for storage and vehicle sales ever having been established. The Development Control Manager reminded the Committee, and explained to Mr. Cooke, that authority was being sought today to commence proceedings only, thus allowing plenty of time for Mr. Cooke to appoint advisers and negating the need for deferral.

Councillor Sebastian Kindersley offered his condolences for a recent bereavement suffered by Mr. Cooke. Councillor Kindersley then sought clarification as to Mr. Cooke's "involvement" with the land over the previous 12 years. The Senior Lawyer summarised the legal proceedings during that time, correcting some misinterpretation. In particular, a finding of 'Not Guilty' against Mr. Cooke in 2007 had arisen from South Cambridgeshire District Council not offering any evidence, and had been entered on the Court record for administrative completeness. He considered it unlikely that any further Enforcement Notices would achieve the end result the Council was now seeking, and confirmed that Section 187B of the Town and Country Planning Act 1990 would give officers the power to take steps to seek an Injunction. The Senior Lawyer reminded the Committee that non-compliance with a Court Order was Contempt of Court, which could result in Mr. Cooke being sent to prison. He said that the Council would have to allow Mr. Cooke a reasonable amount of time to comply with an Injunction before instigating committal proceedings.

The Committee **authorised officers to apply** to the Court for an Injunction under Section 187B of the Town and Country Planning Act 1990. Members agreed the reasons for the application as being the desire to protect and enhance the character and amenity of the immediate countryside and the setting of Cambridge, Stapleford and Great Shelford in view of the site's prominent location, and the need to address highway safety issues arising from access to the site directly from the A1307.

**51. ENFORCEMENT ACTION UPDATE**

The Committee **received and noted** an Update on enforcement action.

**52. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION**

The Committee **received and noted** a report on Appeals against planning decisions and enforcement action.

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**The Meeting ended at 1.14 p.m.**

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