

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 August 2017

AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/2903/14/OL

Parishes: Caxton, Cambourne and Elsworth

Proposal: Development of up to 2,350 residential units including affordable housing; retail, use classes A1-A5 offices; business, use class B1; community and leisure facilities; two primary schools and one secondary school; three vehicular access points including the extension and modification of Sheepfold Lane, a four-arm roundabout provided on A1198/Caxton Bypass and an access point off the A1198, south of the Caxton Gibbet; associated infrastructure and open space (outline with all matters reserved apart from access)

Site address: Land to the west of Cambourne

Applicant: MCA Developments Ltd.

Recommendation: Delegated approval (subject to completion of Section 106 Agreement)

Key material considerations: Principle of development; Sustainable development; Prematurity; Five year supply of housing land; Impact upon the character of Cambourne and the surrounding villages/landscape; Ecology; Highway safety and impact upon highway infrastructure; Surface water and foul water drainage; Percentage of affordable housing; Provision of formal and informal open space; Provision of services and facilities; and Section 106 Contributions.

All of these matters were considered in the report presented to Planning Committee in March 2017, when Members resolved to grant planning permission. This report focusses on the implications of the Supreme Court judgement relating to the extent of Local Plan policies which are considered to affect the supply of housing.

Committee Site Visit: 31 August 2017

Departure Application: Yes

Presenting Officer: Edward Durrant, Principal Planning Officer

Application brought to To consider the implications of the *Hopkins Homes*

Committee because: Supreme Court judgement relating to the extent of Local Plan policies which are considered to affect the supply of housing.

Date by which decision due: 30 January 2017 (extension of time agreed)

Introduction

1. This application was considered at the 11 January 2017 meeting of the Planning Committee. The Committee resolved to approve the application subject to:
 - (a) The prior completion, in consultation with the Chairman and Vice-Chairman of the Planning Committee, of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing the obligations set out in the Heads of Terms document attached as Appendix 2 to the report from the Heads of New Communities; and
 - (b) The Conditions and Informatives set out in the report from the Head of New Communities, final wording to be determined in consultation with the Chairman and Vice-Chairman of the Planning Committee before issuing the Decision Notice.
2. The application remains undetermined pending the completion of the section 106 agreement. A copy of the original committee report and the accompanying appendices are appended to this report.
3. On 10 May 2017, the Supreme Court gave judgment in *Suffolk Coastal DC v Hopkins Homes Limited* and in the conjoined matter of *Richborough Estates Partnership LLP v Cheshire East BC* [2017] UKSC 37.
4. The Supreme Court Judgement narrows the range of development plan policies which can be considered as 'relevant policies for the supply of housing'. Those policies are now not to be considered out of date, even when a five-year housing land supply cannot be demonstrated.
5. In respect of South Cambridgeshire this means that the Local Development Framework Policies that were listed as being out of date at the time when this application was considered are no longer held to be out of date.
6. On 30 June 2017, the Court of Appeal issues a further judgement in *Barwood Strategic Land v East Staffordshire Borough Council*. The Court held that the "presumption of sustainable development" within the National Planning Policy Framework (NPPF) falls to be determined in accordance with paragraph 14 and there was not any wider concept of a presumption of sustainable development beyond that set out in and through the operation of, paragraph 14. Paragraph 14 of the NPPF has been applied in this supplementary report with the approach of the Supreme Court in *Suffolk Coastal* and it is not considered that the *Barwood Land* decision requires any further changes to the advice set out above.
7. The overriding issue however is not whether the policies are out of date but whether, in light of the continuing lack of a five year housing land supply, it can be shown that the "adverse impacts ... would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework

taken as a whole". That is the test required by paragraph 14 of the NPPF, regardless of whether policies are 'out of date' or not. This test should be given considerable weight in the decision making process even though the definition of policies affecting the supply of housing has been narrowed by the Supreme Court judgement. Given the need to boost the supply of housing, the contribution of the proposal to the supply of housing (including affordable housing) is considered to outweigh the conflict with the policies of the LDF.

8. This report considers the officer advice given to Members at the January 2017 meeting in relation to the policies relating to the supply of housing and the extent to which this has changed as a result of the Supreme Court decision.

Planning Assessment

9. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 4.1 year supply using the methodology identified by the Inspector in the Waterbeach appeals in 2014. This shortfall is based on an objectively assessed housing need of 19,500 homes for the period 2011 to 2031 (as identified in the Strategic Housing Market Assessment 2013 and updated by the latest update undertaken for the Council in November 2015 as part of the evidence responding to the Local Plan Inspectors' preliminary conclusions) and latest assessment of housing delivery (in the housing trajectory March 2017). In these circumstances any adopted or emerging policy which can be considered to restrict the supply of housing land is considered 'out of date' in respect of paragraph 49 of the NPPF.
10. The effect of the Supreme Court's judgement is that policies DP/1(a), DP/7 and ST/4 are no longer to be considered as "relevant policies for the supply of housing". They are therefore not "out of date" by reason of paragraph 49 of the NPPF. None of these adopted policies are "housing supply policies" nor are they policies by which "acceptable housing sites are to be identified". Rather, together, these policies seek to direct development to sustainable locations. The various dimensions of sustainable development are set out in the NPPF at para 7. It is considered that policies DP/1(a), DP/7 and ST/4 and their objectives, both individually and collectively, of securing sustainable development within the village frameworks of rural centres, accord with and furthers the social and environmental dimensions of sustainable development, and therefore accord with the Framework.
11. Any conflict with adopted policies DP/1(a), DP/7 and ST/4 is still capable of giving rise to an adverse effect which significantly and demonstrably outweighs the benefit in terms of housing delivery of the proposed development in terms of a residential-led development cannot simply be put to one side. Nonetheless, the NPPF places very considerable weight on the need to boost the supply of housing, including affordable housing, particularly in the absence of a five year housing land supply. As such, although any conflict with adopted policies DP/1(a), DP/7 and ST/4 is still capable, in principle, of giving rise to an adverse effect which significantly and demonstrably outweighs the benefit of the proposed development, any such conflict needs to be weighed against the importance of increasing the delivery of housing, particularly in the absence currently of a five year housing land supply.
12. A balancing exercise therefore needs to be carried out. It is only when the conflict with other development plan policies – including where engaged

policies DP/1(a), DP/7 and ST/4 which seek to direct development to the most sustainable locations – is so great in the context of a particular application such as to significantly and demonstrably outweigh” the benefit in terms of the delivery of new homes that planning permission should be refused”.

13. Although this proposal is located outside the development framework of a rural centre, accessibility to public transport from the site is considered to be a significant benefit of the location. In addition, the scheme would further improve the community facilities within the settlement, enhancing social sustainability of the scheme and the overall sustainability of Cambourne. The weight that can therefore be attached to the conflict with policies DP/1(a) and DP/7 which are intended to ensure that development is directed to the most sustainable locations in the district is limited. This particular application also has to be considered in the context of the draft allocation for part of the site under policy SS/8 of the emerging local plan.
14. Policies ST/2 (Housing Provision), HG/1 (Housing Density), HG/2 (Housing Mix), NE/6 (Biodiversity), NE/17 (Protecting High Quality Agricultural Land) and CH/2 (Archaeological Sites) were all policies that were previously considered to be relevant policies for the supply of housing. That is no longer the case. However, no conflict was identified with any of these policies and thus none of them require a reassessment in terms of any harm that might arise.
15. It is considered that the scheme includes positive elements which demonstrate that as a whole the scheme achieves the definition of sustainable development. These include:
 - The provision of 705 affordable homes with a 50/50 tenure split;
 - The proposed obligations would mitigate demands on existing services, facilities and infrastructure arising from the additional population resulting from the development;
 - Additional and extended community and sports facilities and services and employment opportunities would be delivered in accessible locations on site or within Cambourne, reducing the need for new and existing residents to travel, which would reduce the environmental impacts of emissions from traffic and reduce the impact upon surrounding villages;
 - Economic benefits would occur through the increased vitality of the area and the development would help support economic activity and job creation during the construction and occupation phases supporting the growth of the Cambridge sub-region;
 - The green infrastructure delivered alongside the new homes would provide greater opportunities for recreation and increase the ecological value of the site;
 - The development of the whole site would result in a more holistic form of development delivering a more comprehensive package of educational and transport infrastructure than if only the draft allocation site were developed;
 - There is not a significant impact in relation to biodiversity, landscape and flood risk subject to the necessary safeguarding, landscaping and other mitigation; and
 - Subject to conditions relating to a travel plan and implementation of strategic infrastructure improvements, which would facilitate enhanced access for public transport, cyclists and pedestrians, there would not be a significant impact in terms of traffic or highway safety upon the strategic and local road networks.

Conclusion

16. Officers consider that notwithstanding the conflict with policies DP/1(a), DP/7 and ST/4 this conflict can only be given “limited” weight. The harm arising from the visual impact upon the setting of Cambourne, over and above any impact resulting from the draft allocation site being developed also carries some weight against the proposal.
17. The provision of up to 2350 dwellings, including 705 affordable dwellings, can be given significant weight. The wide-ranging contributions towards the provision infrastructure in relation to community and sports facilities, green infrastructure, recreation, education, and transport all carry weight in favour of the proposals. Employment during construction to benefit the local economy, the significant potential for an increase in the use of local services and improving the vitality of the area and wider Cambridge sub-region can also be given moderate weight.
18. None of the disbenefits arising from the proposals are considered to result in significant and demonstrable harm when balanced against the positive elements and therefore, it is considered that the proposal achieves the definition of sustainable development as set out in the NPPF.
19. Officers recommend that the Committee again resolves to grant planning permission subject to the conditions and section 106 agreement as before.
20. The following items are appended to this report:
 - a. Appendix 1 – report presented to committee on 6 July 2016
 - b. Appendix 2 – Draft s106 Heads of Terms
 - c. Appendix 3 – Agent’s letter
 - d. Appendix 4 - DEP Report
 - e. Appendix 5 – Viability Assessment
 - f. Appendix 6 – Summary of Representations

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council’s website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

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 Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents:
 - Open Space in New Developments SPD - Adopted January 2009
 - Public Art SPD - Adopted January 2009

Trees & Development Sites SPD - Adopted January 2009
Biodiversity SPD - Adopted July 2009
Landscape in New Developments SPD - Adopted March 2010
District Design Guide SPD - Adopted March 2010
Affordable Housing SPD - Adopted March 2010
Health Impact Assessment SPD - Consultation Draft October 2010

- South Cambridgeshire Local Plan Submission 2014
- Planning File Reference S/2903/14/OL

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