

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

07 March 2018

AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/3564/17/OL

Parish(es): Great Abington

Proposal: Outline Planning Application for the construction of up to 13 dwellings with all matters reserved except access.

Site address: Land north of Linton Road, Great Abington, CB21 6AA

Applicant(s): Laragh House Development Ltd.

Recommendation: Refusal

Key material considerations: Principle of development and five year supply
Impact to conservation area
Impact to setting of listed buildings
Trees

Committee Site Visit: Yes

Departure Application: Yes (advertised) 18 October 2018

Presenting Officer: Rebecca Ward, Principal Planning Officer

Application brought to Committee because: Local Member has requested the application be determined by the Councils Planning Committee if the officer recommendation is for refusal

Date by which decision due: 10 March 2018

Executive Summary

1. The Council accepts it cannot demonstrate a five year housing land supply. Under such circumstances, paragraph 14 of the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies, which include those policies associated with designated heritage assets, indicate development should be restricted.
2. The Councils Heritage Officer has objected to the application and considers the character and appearance of the Great Abington Conservation Area would not be sustained or enhanced as a result of the development and the significance of the Grade II listed Abington Lodge would be diminished through harm to its setting.
3. The legislative tests of section 66 and 72 of the Planning (Listed Buildings and

Conservation Areas Act 1990) require any decision maker to pay special attention to preserving or enhancing the conservation area and setting of a listed building in the determination of an application.

4. The level of harm to heritage significance would be 'less than substantial' in terms of paragraph 134 of the National Planning Policy Framework, but any harm would still have to attract considerable weight and importance in the planning balance.
5. Paragraph 134 then requires a decision maker to assess the public benefits of the scheme to determine whether they outweigh the identified harm. In this instance, officers consider the social and economic benefits of the development including the contribution of the housing towards the five year housing supply would not outweigh the harm that has been identified in this report.
6. This position is contrary to the opinion of the local member and the applicant whereby they considered the harm to be minimal and the public benefits including the provision of homes and contributions towards facilities would outweigh any harm to the heritage assets.

Relevant Planning History

7. **S/2501/87/O (1987)** House and Garage - Appeal dismissed as the proposal would materially damage the rural landscape and the setting and character of the Conservation Area (para.5 of the inspectors report)

National Guidance

8. National Planning Policy Framework 2012 (NPPF)
Planning Practice Guidance
9. **Development Plan Policies**
The extent to which any of the following policies are out of date and the weight to be attached to them is addressed later in the report.
10. **South Cambridgeshire LDF Core Strategy DPD, 2007**
ST/6 Group Village
11. **South Cambridgeshire LDF Development Control Policies DPD, 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/6 Biodiversity
NE/8 Groundwater
NE/9 Water and Drainage Infrastructure
NE/11 Flood Risk
NE/12 Water Conservation
NE/14 Lighting Proposals
NE/15 Noise Pollution³⁵⁶⁴

CH/4 Development within the Curtilage or Setting of Listed Buildings
CH/5 Conservation Area
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/2 Car and Cycle Parking Standards

12. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

Open Space in New Developments SPD - Adopted January 2009
Affordable Housing SPD - Adopted March 2010
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Biodiversity SPD - Adopted July 2009
District Design Guide SPD - Adopted March 2010
Listed Building SPD – Adopted 2009
Development affecting Conservation Areas SPD – Adopted 2009

13 **South Cambridgeshire Local Plan Submission - March 2014**

S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development
S/5 Provision of New Jobs and Homes
S/6 The Development Strategy to 2031
S/7 Development Frameworks
HQ/1 Design Principles
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
NH/4 Biodiversity
NH/14 Heritage Assets
CC/1 Mitigation and Adaptation to Climate Change
CC/3 Renewable and Low Carbon Energy in New Developments
CC/4 Sustainable Design and Construction
CC/6 Construction Methods
CC/7 Water Quality
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
SC/10 Lighting Proposals
SC/11 Noise Pollution
TI/3 Parking Provision
TI/8 Infrastructure and New Developments

Consultation

14. **Great Abington Parish Council** – Supports the application. Neighbours raised concerns about the lack of screening on the western side. Concerns about plot 4 which is close to the boundary and overlooking from that house as there is a swimming pool just over the fence.

Whilst the parish council supported the application we would like to see more screening on the western side of the nearest neighbour. We were also concerned about the proximity of plot 4 to the boundary and overlooking from the upstairs window as there is a swimming pool just over the fence.

We would like to ensure that the affordable units are offered to people with a connection to Great or Little Abington in the first instance.

15. **Listed Building Officer** - These comments follow a more thorough heritage assessment of the site and proposal. The site is located on the edge of Great Abington, which has many designated heritage assets and conservation area. The site abuts the conservation area in part and is near some listed buildings that are Grade II listed. It is considered that the application site is within the setting of the conservation area and some of the listed buildings.

The heritage statement outlines that the site is within part of the historic parkland/estate of Abington Lodge, which is clearly outlined through the map progression. Therefore the site has a significant relationship with this listed building in particular. The development of this site will have a significant impact on this relationship, losing its character as an undeveloped part of the historic parkland/estate and therefore the setting of Abington Lodge. The heritage statement outlines that there is no evidence of 'planned views or vistas' towards the application site.

However, the definition of setting does not just include the visual connection/relationship with the heritage asset. Although the findings from the Kedleston case have been reflected, it is considered that this conclusion is short sighted and has given little regard to the application sites' positive contribution to the setting of the listed building as forming part of the undeveloped historic parkland/estate.

The proposed development will also have harm on the setting of the conservation area. Linton Road is one of the main 'gateways' to the conservation area and cuts through its rural setting. The north of Linton Road is largely undeveloped from the A1307, until the settlement envelop and conservation area boundary. This positively contributes to the rural character of the village. The development of this site will erode this special character and therefore harm the setting of the conservation area. Although it has been outlined that the existing boundary will be retained, glimpses of the development will still be visible.

To the south of Linton Road, the setting of the conservation area is very different. The 1970s development and the additional site, of 50 dwellings, that has been approved subject to section 106 agreement have erode the rural setting and character of Great Abington and therefore has a negative impact on the setting. This gives greater weight to the significance of the undeveloped nature to the north of the road.

It is concluded that the proposal will have less substantial harm as outlined in the NPPF. The proposal cannot be supported due to the impact on the heritage asset. Therefore it does not comply with SCDC DPD policy CH/4 and Planning (Listed Buildings and Conservation Areas) Act 1990 Section 16 and 72.

16. **Urban Design Officer** - Approval subject to conditions governing the submission of details of appearance, layout, boundary treatments, materials and ground surface finishes. I would also suggest a condition requiring that the development is limited to a maximum of two storeys. Though this is an outline application, in summary the following comments were made on the indicative layout -: Car parking lining the internal road is too dominant - Termination view needs to be re-considered (garage doors downgrades the townscape)
17. **Landscape Officer** - No objections subject to landscaping conditions

18. **Tree Officer** - No objections raised to the application at this stage but some concern has been raised about the relationship of the properties to the trees around the boundary and the potential for pressure to remove in the future. If the application is supported the following conditions should be included; Arboricultural Method Statement and Tree Protection Strategy
19. **Ecology Officer** - No objections to the application subject to the following conditions; ecology enhancement, works to be undertaken in accordance with the submitted ecology report.
20. **Affordable Housing Officer** - No response received to date
21. **Archaeology Officer** – The site is located in an area of high archaeological potential adjacent to the historic village of Great Abington, to the south east of the village core on the road traditionally linking the village with the ancient settlement of Hildersham. The early 19th century grounds of Hildersham Hall are located to the south-east (Cambridgeshire Historic Environment Record ref 12289) and earthworks and a barrow mound associated with Roman cremation burials are located to the east of the site at Maypole Hill (CHER 06212). Roman (06199) and medieval (06199A) pottery has been identified 160m to the west of the proposed development area at Great Abington school whilst geophysical survey carried out north of the High Street in 2006 revealed evidence of a moated site and trackways associated with the earthworks of the shrunken medieval village (MCB17695, 00312, 08154) and further Roman pottery (00312A).

Whilst only limited evidence for archaeological activity in the immediate development area on the south side of the High Street and east along Linton road has been identified so far, in this instance a lack of evidence is considered reflective of the lack of archaeological investigation conducted in Great Abington to-date, and we consider it highly likely that important archaeological remains may survive in the area and that these would be severely damaged or destroyed by the proposed development. We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG.

22. **Anglian Water** - The foul water drainage from this development is in the catchment area of Linton Water Recycling Centre that will have available capacity to take the flows. Development may lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglia Water to determine mitigation measures.
23. **Cambridge County Council Growth** - No contributions towards education or life long learning needed
24. **Contaminated Land Officer** - There are no immediately evident environmental constraints that would attract a contaminated land condition, however the proposed development (residential) is particularly sensitive to the presence of contamination.
25. **Local Highways Authority** - The applicant has failed to provide a drawing showing the required visibility splays. The Highway Authority requests that a plan showing the visibility splays is provided prior to determination of the application. The visibility splay should have the dimensions of 2.4 metres by 160 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access until such time as appropriate speed counts have been provided.

The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times. The inter vehicles visibility splays must be within the existing adopted public highway or land under the control of the applicant.

26. **S106 Officer** - Requested contributions to mitigate the impact of the development: Formal sports in the form of an offsite contribution of circa £15,000 to be spent on a number of projects:
- Formal children's play space in the form of circa £22,000 to be spent on new play equipment at the play area on Great Abington recreation ground
 - Informal children's play space in the form of onsite provision
 - Informal open space in the form of onsite provision
 - Indoor Community Space in the form of an offsite contribution of circa £7,000 to be spent on a number of projects
 - No monitoring fees have been requested
27. **Environmental Health Officer** - No comments received in time
28. **Lead Local Flood and Water Authority** - At present the submitted Surface Water Drainage Assessment does not provide sufficient evidence to demonstrate a workable surface water solution for the site as no infiltration testing has been undertaken to support such a provision. If the applicant is not able to undertake such testing at this stage, a feasible alternative strategy should also be proposed as a fall back. Update to be provided at planning committee on the 7 March following comments on additional information.
29. **Drainage Engineer** - Development is acceptable subject to a condition in respect of surface water drainage works
30. **Environment Agency** - The Agency supports the LLFA in their current Objection until such time as an appropriate surface water drainage strategy/FRA has been submitted and approved. Drainage is a material planning consideration and without the aforementioned detail it is not possible to fully assess the impact of the development on the environment.

Representations

31. **Cllr Tony Orgee (Local Member)** - I have now had an opportunity to go through all the online documentation about this planning application, and, in particular, have seen the most recent objection from the Historic Buildings Officer. I wish to make the following comments. I can appreciate the relevance of considering issues such as the impact of a proposed development on a Conservation Area and / or on the setting of a historic asset such as a Listed Building.

However, I disagree with the conclusions reached by the Historic Buildings Officer, and therefore **request** that this planning application be referred to the SCDC Planning Committee for determination in the event that planning officers are minded to refuse this application.

The Historic Buildings Officer's views can be summarized as follows:

The application site has a significant relationship with a Listed Building, Abington Lodge, particularly relating to the setting of the Lodge. Linton Road is a 'gateway' to Great Abington, and the proposed development would erode its special character (and hence harm the setting of the Conservation Area) because 'glimpses of the development would be visible' when going along Linton Road.

I agree that Linton Road is a 'gateway' to Great Abington, but when travelling into Great Abington along Linton Road from the A1307, one sees the kennels on the right hand side of the road, and in due course on the left-hand side will see a recently approved development of 45 houses. The kennels are, and the 45 houses will be, easily visible from Linton Road, yet the proposed development is set behind mature trees and only 'glimpses' of this development will be visible.

The kennels has and the new 45 houses will have a far greater impact on the character of the Linton Road 'gateway' than this proposed development of up to 13 dwellings. The kennels give, and the 45 houses will give, those entering the built-up area of Great Abington a much greater sense of the character of the entrance to the village than mere 'glimpses'; through a mature tree belt of the proposed dwellings. I therefore disagree with the view that the proposed development would erode and harm the setting of the Conservation Area.

I have read the applicant's submission and the Historic Buildings Officer's comments on the relationship, or otherwise, of the proposed site to Abington Lodge. I do not agree with the Historic Buildings Office's view that there is a 'significant' relationship. Personally I would agree more with the applicant's views about the significance of any relationship. The applicant's documentation refers to other Listed Buildings, apart from Abington Lodge, and demonstrates that they have no relationship to the proposed development. Finally I would like to comment about whether the benefits of the proposed development outweigh any perceived harm. The villages of Great and Little Abington have been very proactive in carrying out a housing needs survey and then identifying suitable sites for houses. The three sites felt most appropriate for housing development were very well supported locally and were eventually built into the draft Local Plan, with the 40% affordable housing criteria applying to each of the three Sites.

However, government criteria have changed, so that the 40% affordable housing criteria no longer applying to the Church Lane, Little Abington site. Depending on the precise number of houses that will eventually be built on this site, this means the loss of two or three affordable dwellings.

I believe the applicants are sincere in their statement that the development would be up to 13 dwellings, a number that exceeds the criteria for affordable housing. Such a development would therefore make a positive contribution towards meeting affordable housing needs. For the reasons above, I request that, if officers are minded to refuse this application, it should go to the SCDC Planning Committee for determination.

32. **Third party letters** - Four letters with comments were received. In summary the following points were raised:
- Owner of The Barn has a covenant on any development on all of the land that was part of the estate as of 27th April 1960
 - Conditions for development to be limited to 13 dwellings only, entrance to the site should remain as proposed, adequate parking should be provided,
 - Combination of 45 dwellings to the south of Linton Road and the application site would significantly alter this side of the village changing what is now a wooded and agricultural approach to the village to one that is predominantly housing
 - Concerns raised to overlooking, loss of privacy and noise and disturbance to No.73 Highway safety on A1307

Site and Surroundings

33. The application site lies outside of the Great Abington village development framework and in the countryside. The site is adjacent to the Great Abington Conservation Area and it situated to the east of No.7 'Ivy Cottage' Linton Road, which is a Grade II Listed Building. To the northwest of the site is Abington Lodge that is Grade II Listed Building that application site is associated with this listed building.
34. A grouped Tree Preservation Order (13/62 and 1/16) covers the site and protects Oak, Beech, Horse Chestnut, Larch, Sycamore, Ash and Walnut. To the east of the site is Westlodge kennels beyond that is the A1307.
35. The site is within a Flood Zone 1.

Proposal

36. The application seeks outline-planning permission for the construction of up to thirteen dwellings with all matters reserved apart from access. The proposal includes provision for 40% affordable dwellings on site. The application has been amended to provide; a full heritage statement, drainage statement and visibility splays.

Planning Assessment

37. The National Planning Policy Framework (NPPF) requires councils to boost significantly the supply of housing and to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
38. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district, as required by the NPPF, having a 4.5 year supply using the methodology identified by the Inspector in the Waterbeach appeals in 2014, which comprises the Sedgefield methodology and 15% buffer.
39. 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 December 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.
40. Unless circumstances change, those conclusions should inform, in particular, the Council's approach to paragraph 49 of the NPPF, which states that adopted policies "for the supply of housing" cannot be considered up to date where there is not a five year housing land supply.
41. The affected policies which, on the basis of the legal interpretation of "policies for the supply of housing" which applied at the time of the Waterbeach decision were: Core Strategy DPD policies ST/2 and ST/5 and Development Control Policies DPD policy DP/7 (relating to village frameworks and indicative limits on the scale of development in villages).The Inspector did not have to consider policy ST/6 (the current Group Village status of Great Abington) but as a logical consequence of the decision this should also be considered a policy "for the supply of housing".
42. Further guidance as to which policies should be considered as 'relevant policies for the supply of housing' has emerged via the Supreme Court in its judgement dated 10 May

2017. The principal consequence of the decision of the Supreme Court is to narrow the range of policies which fall to be considered as “relevant policies for the supply of housing” for the purposes of the NPPF. The term “relevant policies for the supply of housing” has been held by the Supreme Court to be limited to “housing supply policies” rather than more being interpreted more broadly so as to include any policies which “affect” the supply of housing, as was held in substance by the Court of Appeal.

43. The effect of the Supreme Court’s judgement is that policies ST/6, DP/1(a) and DP/7 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 policy ST/6, DP/1(a) and DP/7 and their objectives, both individually and collectively, of securing locational sustainability, accord with and furthers the social and environmental dimensions of sustainable development, and therefore accord with the Framework.
44. However, given the Council cannot demonstrate a five year supply of housing land, its policies remain out of date “albeit housing supply policies” do not now include policies ST/6, DP/1(a) and DP/7. As such, and in accordance with the decision of the Supreme Court, para 14 of the NPPF is engaged and planning permission for housing should be granted, inter alia “unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole ...” or “specific policies in this framework indicate development should be restricted”. Sub-note 9 confirms that policies that require development to be restricted are those linked to designated heritage assets.
45. Development in Group Villages (the current and emerging status of Great Abington) is normally limited under policy ST/6 to schemes of up to an indicative maximum of 8 dwellings, or in exceptional cases 15, where development would lead to the sustainable recycling of a brownfield site bringing positive overall benefit to the village.
46. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting the scale of development in less sustainable rural settlements with a limited range of services to meet the needs of new residents in a sustainable manner. By proposing 13 dwellings outside the framework, the scheme would conflict with the above policies.
47. Notwithstanding this, the principal consideration is that the NPPF requires development to be assessed against the definition of sustainable development. The proposals have therefore been assessed below against the economic, social and environmental criteria of the definition of sustainable development.

Economic

48. The provision of 13 new dwellings will give rise to employment during the construction phase of the development, and has the potential to result in an increase in the use of local services and facilities, both of which will be of benefit to the local economy.

Social

Access to services and facilities

49. Future occupants of the proposed dwellings on the site would have easy access by

walking and cycling to facilities within the village such as the primary school, shop, church, public house, café, village hall and recreation ground.

50. In Great Abington, bus services run every 30 minutes to Cambridge and Haverhill (Service 13); it also serves Linton (adjacent minor rural centre). The proposed dwellings would also have easy access by walking and cycling to the nearby employment site of Granta Park just outside the village but very close to the application site. Great Abington does not contain a secondary school, health centre or a larger food store; however these services are found in Linton and Cambridge, which is readily accessible by public transport. Residents would not therefore have to rely upon the private car to access the majority of their everyday needs. As such the location of the site would accord with policy DP/1(b) and TR/1 which seeks to encourage the use of sustainable modes of transport.
51. There is no evidence to suggest the existing services are at capacity and the County Council have not requested any contributions towards education provision. S106 contributions towards community facilities and public open space have been recommended by the s106 officer in consultation with the Parish Council. Money towards the enhancement of the facilities will be a benefit to the proposal to mitigate the impact of the development.

Housing Mix and Affordable Housing

52. The planning application form (section 17) indicates an indicative mix of housing. It suggests that eight of the properties will be for market housing and five properties will be affordable social rented units. This provision, if taken forward in the reserved matters, will be in accordance with emerging policy H/1 where it requires 40% of units to be affordable under the national framework definition.
53. There are currently 1,800 people on the housing register in the district. Fourteen people on this register have a local connection to Great Abington and five have a local connection to Little Abington (adjacent village).
54. Great Abington has experienced a number of speculative planning applications that have more recently been approved with affordable housing secured. This includes; Pampisford Road, council ref: S/1433/16/OL which includes 3 affordable units, Land to north of Pampisford Road S/3181/15/FL including 8 affordable units, Land to south of Linton Road, council ref: S/3543/16/FL including 18 affordable units (granted subject to s.106 agreement). At face value the local need for both Great and Little Abington has therefore been met, despite the smaller allocated site in Little Abington not coming forward. The comments made by the district councillor in this regard are not applicable.
55. However, officers do still appreciate there is a significant number of people on the district register and therefore the provision of five affordable houses would go some way in helping to meet that need.
56. The housing mix is unknown at this stage given that it is an outline planning application. However, the Council have adopted and emerging planning policies (HG/2) which seek to impose a mix of homes to meet local demands. A condition will need to be added to any decision notice to secure this in a reserved matters scheme.
57. The provision of thirteen homes, both affordable and market, to meet the council's shortfall of housing, would therefore be a social benefit that should be considered in the balance of paragraph 14 of the national framework.

Environmental

Whether the development would preserve or enhance the character and appearance of the Conservation Area

58. With respect to any building or land in a Conservation Area section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities, by law, to pay special attention to be paid to the desirability or preserving or enhancing the character or appearance of the area. The site is not within the Abington Conservation Area but the north west corner of the site abuts the boundary of this designated area. Whilst the act does not include that special attention must be paid to the setting this that definition, paragraph 129 and 137 of the national framework does require consideration to be given to the setting of conservation areas.
59. Adopted policy CH/5 of the Local Development Framework states that planning applications for development proposals in or affecting conservation areas will be determined in accordance with legislative provisions and national policy and guidance contained in conservation areas and the district design guide SPD. This policy is still consistent with the national framework and allows for the relevant test under Part 12 of the framework.
60. In determining planning applications, paragraph 131 requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of the heritage assets, the positive contribution the conservation of heritage assets can made to sustainable communities including economic vitality and desirability
61. The site lies outside the Conservation Area but is on the western edge. There are a number of Grade II Listed Buildings in the centre of the village that have been identified in the Heritage Statement. The Conservation Area boundary follows the rear gardens of houses on the eastern side of the High Street and Linton Road and includes land associated with Abington Lodge (Grade II Listed Building).
62. Abington Lodge was used as a 'shooting box' by Lord Grosvenor between 1775 and 1780 and once the grounds covered 22 acres which included the application site. The listing description states that the grounds are said to have been laid out by Humphry Repton who was a recognised landscape designer around this time.
63. Linton Road is one of the main 'gateways' to the Conservation Area. Apart from West Lodge Kennels, the land to the north of Linton Road and the A1307 is largely undeveloped when approaching the Conservation Area. This land, including the application site, positively contributes to the prevailing rural character and parkland setting that is directly associated with the character of the Conservation Area. Officers therefore consider the setting does include the land subject to this application.
64. The development of this site will erode this special character by introducing a large extent of built development that would reduce and contrast with the open rural approach to the setting of the Conservation Area. Officers disagree with the applicant, District Councillor and Parish Council, where they suggest the development would be obscured by existing tree lines and the character would have already been eroded by the kennels and the allocated site (45 homes) to the south of Linton Road.
65. The existing treed boundary of the application site, which faces Linton Road,

comprises several deciduous trees that provide some screening but overall this would not sufficiently screen the development to mitigate the harm and obscure the development. Furthermore, the proposal would result in a widened and engineered access that, together with the loss of existing trees/shrubs, would expose views of the housing and increase the urbanising effect of the development in the local area. When taken together with the allocated site and kennels, the cumulative impact to the rural setting would weaken to the detriment of the Conservation Area.

66. In 1987, an inspector came to a similar view for the provision of one dwelling on this site (council ref: S/2501/87/O) and dismissed the appeal on the impact of the development to the Conservation Area. Since this time the land to the north of Linton Road has remained undeveloped and therefore officers consider this decision to be material in the determination of this application.
67. In conclusion, the adverse visual impacts of the development and its urbanising effects would not sustain or enhance the character or setting of the Abington Conservation Area, nor would it make a positive contribution to local character and distinctiveness. As such the development would be contrary to paragraph 131 of the national framework and policy CH/5 of the Local Development Framework.
68. In terms of the test of the national framework, the harm caused to the Conservation Area would be 'less than substantial' and as such should be weighed against the public benefits of the scheme. Notwithstanding this, the identified harm does still carry substantial weight against the proposed development.
69. The applicant has also accepted that there would be 'less than substantial harm' to the heritage asset however; officers consider the level of harm identified by them as being 'minimal to none' has been understated by the applicant.

Impact to the setting of Abington Lodge Grade II Listed Building

70. Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires decision-makers to pay "special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses." Recent planning case law has confirmed that having "special regard" to the desirability of preserving the setting of a listed building involves more than merely giving weight to those matters in the planning balance. In particular, case law has confirmed that "preserving" in the context of Listed Buildings means doing no harm.
71. Adopted policy CH/4 of the local framework states that planning permission will not be granted for development, which would adversely affect the curtilage, or wider setting of a Listed Building. This policy is not consistent with the national framework or the legislative provisions as it does not allow for the relevant test under section 12 of the framework to be carried out. Therefore this policy is out of date.
72. Abington Lodge is a Grade II Listed Building that is now mainly accessed from the High Street. As mentioned in paragraph 62 Abington Lodge has a large historic curtilage given its historic links to hunting grounds. The parkland/estate and relationship to the surrounding countryside is therefore an important part of its setting and which can still be readily appreciated and understood when on the site. The existing condition of surrounding land, which is largely free of modern day development, positively contributes to its significance.
73. The proposed development will have an impact on an undeveloped part of the historic parkland/estate and would remove land from part of the historic curtilage. The

proposed development could have some garden trees and vegetation to soften its appearance but it would still be an obvious eye-catching development when it is viewed within the grounds of Abington Lodge.

74. As identified in the applicants Heritage Statement, setting of a heritage asset does have a broad meaning and is capable of extending beyond visible considerations. Whilst the lodge might be set some 100m from the application site, it still makes up an important part of its countryside setting. The fact it has not been designated as a registered park and garden does not make it an acceptable site to develop.
75. For these reasons, the setting of Abington Lodge would be compromised and harmed by the new housing. Officers consider this harm would be caused than what has been identified by the applicant. The proposal would therefore be contrary to paragraph 131 of the national framework as it would not sustain or enhance the significance of the heritage asset. In the context of the national framework (para 134), the harm identified would be 'less than substantial' and as such should be weighed against the public benefits of the scheme.

Design, Layout and Landscaping within the site

76. The Councils Urban Design Officer and Tree Officer has raised some initial concerns to the indicative layout of the scheme as it does not contain a LAP feature, there would be a dominance of cars and some concern was given the shadow of garden areas from existing trees. Third parties have also raised concerns to overlooking and loss of privacy; however, officers consider sufficient distances can be achieved in accordance with the Council's District Design Guide. Officers consider these matters can be overcome during the course of a reserved matter scheme with further discussions with relevant consultees.

Highway Safety

77. The Local Highways Authority raised objections to the original application as it had failed to provide a drawing showing the required visibility splays. Amendments were submitted by the applicant and have been accepted by the Local Highways Authority. The revised plan (5.1 by SLR) demonstrates the required splays can be achieved within the land belonging to the applicant and the highway land. As such, the proposed development provides a safe access onto the public highway in accordance with policies DP/3 of the Local Development Framework.

Flood Risk and Drainage

78. The applicant proposes to discharge surface water via infiltration; however no on-site infiltration testing has been undertaken to support this. The LLFA have accepted that testing has been undertaken on an adjacent site and these figures can be used as an indication of likely rates; however it was not guaranteed that site conditions will be replicated on both sites. Additional information was submitted with the application to demonstrate a suitable surface water drainage scheme was achievable. As such the, proposal would comply with policy NE/9 of the Local Development Framework.

Other Matters

79. No objections are raised in regards to impact to trees, ecology, highway safety, impact to residential amenity (from noise) and archaeology subject to the imposition of planning conditions that have been recommended.

80. Ownership and covenants are not a material planning consideration and these matters need to be dealt with outside of the application process. The information does demonstrate, however that the site was once under the same ownership as Abington Lodge.

Planning Balance and Conclusion

81. The Council acknowledges that it falls short of a 5 year housing supply as required by paragraph 47 of the NPPF. Paragraph 49 says that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
82. Where policies are out of date, paragraph 14 of the NPPF states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies, including those policies associated with designated heritage assets, indicate development should be restricted.
83. The character and appearance of the Great Abington Conservation Area would not be sustained or enhanced as a result of the development and the significance of the Grade II listed Abington Lodge would be diminished through harm to its setting. The level of harm to heritage significance would be 'less than substantial' in terms of the NPPF, but attracts considerable weight and importance in the planning balance in accordance with the legislative tests of section 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act 1990) and the NPPF. Paragraph 134 then requires any public benefits to be considered as part of the planning balance.
84. The proposed delivery of 13 homes has social and economic benefits, including employment during construction, contribution to economic output during construction, enhancement to local facilities and contribution to housing need in the district. These benefits carry some weight although this is considered to be limited given the number of units proposed. In addition, the application would bring forward;
- An offsite contribution of circa £15,000 to be spent on a number of sports projects
 - Formal children's play space in the form of circa £22,000 to be spent on new play equipment at the play area on Great Abington recreation ground
 - Informal children's play space in the form of onsite provision
 - Informal open space in the form of onsite provision
 - Indoor Community Space in the form of an offsite contribution of circa £7,000 to be spent on a number of projects
85. NPPF advises that the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should therefore be considered simultaneously with environmental improvement. In this case, officers consider the benefits of the proposal do not outweigh these heritage assets of acknowledged importance, notwithstanding that less than substantial harm to the heritage assets has been identified.
86. Having regard to the three elements of sustainable development, the proposal would not represent sustainable development and would significantly and demonstrably outweigh the benefits. The application is therefore recommended for refusal.

Recommendation

Refuse planning permission for the following reasons:

87. 1. Linton Road is one of the main 'gateways' to Great Abington Conservation Area. The land between Linton Road and the A1307 is largely undeveloped when approaching the Conservation Area from the east. This land, including the application site, positively contributes to the prevailing rural character and parkland setting towards the east of the village boundary.

The development would erode this special character by introducing a large extent of built development within the open rural approach to and setting of the Conservation Area. This would cause unacceptable harm to the wider character and setting of the Conservation Area. The existing treed boundary of the application site would not sufficiently screen the development to mitigate the harm. Therefore, the adverse visual impacts of the development and its urbanising effects would neither preserve nor enhance the character or setting of the Conservation Area contrary to paragraph 131 of the National Planning Policy Framework (NPPF) 2012 and Policy CH/5 of the South Cambridgeshire Development Control Policies DPD, 2007.

In the context of the NPPF, the harm identified would be 'less than substantial' but the public benefits of the development would not outweigh this harm. Consequently, the development would not amount to sustainable development contrary to paragraphs 7, 14 and 17 of the NPPF.

2. Abington Lodge is a Grade II Listed Building that is now mainly accessed from the High Street. Abington Lodge is on the edge of the Conservation Area and has direct connections to the parkland/estate and wider countryside to the east of the building. This land, including the application site, positively contributes to the rural setting of this listed building.

The development would erode this special character by introducing a large extent of built development within the open and undeveloped part of the site. This would cause unacceptable harm to the wider character and setting of the Abington Lodge. Therefore its urbanising effects would neither preserve nor enhance the setting of Abington Lodge contrary to paragraph 131 of the National Planning Policy Framework (NPPF) 2012.

In the context of the NPPF, the harm identified would be 'less than substantial' but the public benefits of the development would not outweigh this harm. Consequently, the development would not amount to sustainable development contrary to paragraphs 7, 14 and 17 of the NPPF.

Informative – The following plans have been refused: 734/A3/226,734/A3/100revA

If members are minded to support the application they will need to give delegated approval to planning officers subject to:

Legal Agreement

88. Contributions to be secured by way of a Section 106 (or other appropriate) legal agreement as set out below, final wording to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission. The contributions are as set out in appendix 1 attached to this report.

Conditions and Informatives

89. Planning conditions and Informatives as set out below, with the final wording of any amendments to these to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission:

- 1) Approval of the details of the layout of the site, the scale and appearance of buildings and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. (Reason - The application is in outline only.)
- 2) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. (Reason - The application is in outline only.)
- 3) The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved. (Reason - The application is in outline only.)
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 734/A3/226,734/A3/100revA (Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- 5) No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall be carried out in accordance with the approved details. The principle areas of concern that should be addressed are:
 - i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
 - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
 - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
 - iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 6) All hard and soft landscape works shall be carried out in accordance with the approved details in condition 1. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- 7) Prior to the occupation of any part of the development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the

occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority. (Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)

- 8) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed. The scheme shall be based upon the principles within the agreed surface water drainage strategy prepared by Thomas Consulting (ref: 4760) and shall also include:
- i) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events
 - ii) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
 - iii) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
 - iv) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - v) Measures taken to prevent pollution of the receiving groundwater and/or surface water; The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

- 9) No site or plant machinery shall be operated, no noisy works shall be carried out and no construction related deliveries shall be taken or dispatched from the site except between 0800 hours and 1800 hours Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Bank Holidays. (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- 10) In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 -Vibration (or as superseded). Development shall be carried out in accordance with the approved details. (Reason – To protect the amenities of nearby residential properties in accordance with South Cambridgeshire Local Development Framework Development Control Policies

2007, Policy NE/15-Noise Pollution, NE/16- Emissions & DP/6- Construction Methods.)

- 11) No development shall commence until a renewable energy statement has been submitted to and approved in writing by the Local planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained. (Reason - To ensure an energy efficient and sustainable development in accordance with Policies NE/3 of the adopted Local Development Framework 2007.)
- 12) As part of any reserved matter application details of the housing mix (including both market and affordable housing) shall be provided in accordance with local planning policy or demonstration that the housing mix meets local need shall be submitted to and approved in writing by the Local Planning Authority. Development shall commence in accordance with the approved details (Reason: To ensure an appropriate level of housing mix, both market and affordable housing in accordance with policies H/8 and H/9 of the South Cambridgeshire Local Plan Submission March 2014.)
- 13) The development, hereby permitted, shall be carried out in accordance with the recommendations of the Ecological Impact Assessment (Green Willows) dated August 2017, unless otherwise agreed in writing by the Local Planning Authority. (Reason - To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
- 14) No development shall commence until a scheme for ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. This shall include in-built features for bats and nesting birds and measures for hedgehogs. The measures shall be implemented in accordance with the agreed scheme prior to the occupation of the dwellings. (Reason - To provide habitat for wildlife and enhance the site for biodiversity in accordance with the NPPF, the NERC Act 2006 and Policy NE/6 of the adopted Local Development Framework 2007.)
- 15) No construction, site clearance or building operations shall commence on site until a Tree Survey, Arboriculture Method Statement and Tree Protection Plan in relation to the approved development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. (Reasons - To protect neighbouring amenity, biodiversity and the visual amenities of the area in accordance with policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework)

16) Noise Attenuation Scheme – Protection From Dog Kennels

Informatives

1. The application is subject to S106 agreement dated XX-XX-XX

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 Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File Reference: S/3564/17/OL

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