

The Parish Office,
Right Side Entrance, Community Centre,
250a High Street,
Cottenham,
Cambridge CB24 8XZ

clerk@cottenhampc.org.uk

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Re: S/4207/19/RM Land north of Rampton Road, Cottenham

Cottenham Parish Council has considered the latest “Reserved Matters” application by This Land Limited, the commercial development subsidiary of Cambridgeshire County Council and recommends refusal. We have identified below a number of ways in which the proposition has deteriorated since the refusal of the original application and on which the Appeal Inspector, when granting outline permission wrote:

”19 With control that exists in relation to scale, layout, appearance and landscaping I have no doubt that a well-designed permeable housing development that has proper regard to the guidance contained within the supplementary planning document, ‘*Cottenham Village Design Statement*’, and which complements the village could be achieved.”

On the basis of these shortcomings, the adoption of SCDC’s Local Plan and the significant weight which must now be given to Cottenham’s pre-referendum Neighbourhood Plan **whose scheduled referendum in March 2020 was** postponed in line with the [Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020](#) until 6 May 2021. Since the Local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given significant weight in decision-making, so far as the plan is material to the application.

The policies in Cottenham’s Neighbourhood Plan, which includes extracts from Cottenham’s Village Design Statement, have been shown by the NP Examiner as not in conflict with the strategic policies in SCDC’s adopted Local Plan and compliant with the National Planning Policy Framework therefore, these together should be treated as the basis of this determination, taking precedence over other policies.

Representatives from the Parish Council have met the developer and architects on several occasions and made some minor adjustments to the Neighbourhood Plan in an attempt to evolve a mutually-acceptable solution. Nevertheless, the developer is still attempting to squeeze around 150 houses into a red –line site some 2 hectares smaller than that for which outline permission was obtained; a constraint that has prevented the developer from living up to the Appeal Inspector’s aspiration, expressed in paragraph 19 of his report.

We have identified thirteen flaws that exacerbate the challenge and support a refusal of this application and proposed some mitigations that, if implemented, could make the application compliant with the NP and therefore acceptable.

Flaws

- 1) **Although not mandatory**, it is usual for the red line boundary, substance and planning conditions attached to a successful appeal for outline planning permission to be closely aligned with those in a subsequent application for approval of Reserved Matters on the same site. Within the context of the original red line boundary, the Appeal Inspector stressed the importance of the Cottenham Village Design Statement when he wrote:

“19 With control that exists in relation to scale, layout, appearance and landscaping I have no doubt that a well-designed permeable housing development that has proper regard to the guidance contained within the supplementary planning document, ‘*Cottenham Village Design Statement*’, and which complements the village could be achieved.”

This application is for essentially the same number – 154 - of houses that were refused by SCDC under S/2876/16/OL on a red line site that was over 2 hectares larger in area than that proposed here.

- *The constricted red line site puts pressure on house location, protection of a key vista in Cottenham’s Neighbourhood Plan (which also featured in SCDC’s initial refusal of outline permission here) and arrangements for safe management of surface water, especially along the edge of Les King Wood, which became protected Local Green Space in Cottenham’s Neighbourhood Plan.*

- 2) **The Appeal Inspector** included, within condition 4, reference to three “approved plans” which formed the basis of his ruling - G5586.012, G5586.013 (both related to the original larger red line boundaries) and P16021-003E (a site masterplan, also within the original larger red line boundaries, including a substantial area of Public Open Space contiguous with the existing Sports provision), albeit “only in respect of those matters not reserved for later approval.” It is inconceivable that the Appeal Inspector, in coming to conclusion 19 above was not influenced by the layout shown in P16021-003D/E.

- *The restrained red line site also reduces the land available for retention as public open space adjacent to the existing sports pitches at the Recreation Ground – as shown, albeit not very clearly, in the appeal drawing P16021-003D/E which included the masterplan in the original refused application – and a much larger contiguous public open space.*

- 3) **Although the Appeal Inspector gave minimal weight** to either the then unadopted SCDC Local Plan or pre-examination Cottenham Neighbourhood Plan, he gave substantial weight to Cottenham’s Village Design Statement as an adopted Supplementary Planning Document, without mentioning the District Design Guide, also a SPD:

"19 With control that exists in relation to scale, layout, appearance and landscaping I have no doubt that a well-designed permeable housing development that has proper regard to the guidance contained within the supplementary planning document, 'Cottenham Village Design Statement', and which complements the village could be achieved."

Unfortunately the proposed design and layout of the site demonstrates little regard to the policies of the Village Design Statement and even less to the policies in the more recent Cottenham Neighbourhood Plan, which draws many "village design" principles from the Supplementary Planning Document. The Neighbourhood Plan has, according to HMG, to be given significant weight following successful examination and approval to proceed to referendum, a stage thwarted by the Coronavirus legislation postponing elections and referenda until 2021.

- *The proposed design and layout appears to give too much weight to the urban "look and feel" proposed by SCDC's District Design Guide, however Cottenham was one of the first villages in England to produce a Village Design Statement which was eventually adopted by SCDC as a Supplementary Planning Document. Many principles in the document were drawn into Cottenham's Neighbourhood Plan, whose policies should be "given significant weight in decision-making, so far as the plan is material to the application". In this case, the village-oriented policies COH/1-5 should pre-empt those of the more urban-focused District Design Guide, especially as the Appeal Inspector paid no regard to the latter.*

4) **Cambridgeshire County Council** retains a strong financial interest in the site and its development. This Land, CCC's wholly-owned subsidiary and the applicant here, has – excluding Les King Wood - only acquired some 8.76 hectares of the original 10.81 hectare red line appeal site, leaving over 2 hectares in the ownership of the County Council, presumably as a base for expanding the Primary School in Lambs Lane. Safety issues arising from that expansion necessitate an alternative site entrance and, a need to retain freehold land to trade against leased land to be "re-possessed". County Councillors on the SCDC Planning Committee have complex conflicts of interest between these various proposals.

- *There have been reports on the difficulties faced by Planning Authority decision-makers attempting to make proper determinations when faced by intense lobbying, pressures to correct 5-year land supply deficiencies, and conflicts of interest with other public roles. In this case, any County Councillor must be aware of the financial pressures on the County Council which have forced them to assume the role of a speculative developer in order to convert the capital value of land-holdings into future income to repay debt and maintain services. Some may also be involved with provision of education services or overly concerned to maintain SCDC's 5-year land supply.*

5) **The proposed layout** is not dissimilar to that originally proposed in the refused S/2876/16/OL application which had fewer houses along the perimeter of Les King Wood and even had a relatively non-invasive route for a rear access to the putative Primary School expansion and, albeit only in the Design & Access storybook, a footway to the Community Facilities and Lambs Lane. That layout, the only one available to the Appeal

Inspector, could have been refined, parties willing, into an acceptable layout and solution if some houses were removed from the southern extreme of the site.

- *The constrained red line site puts pressure on house location and prevents linking the application site to the rear of the expanded Primary School without cutting through playing fields, creating a safety hazard for young people enjoying sport and wasting invaluable sport space by avoidable road development.*

6) **The proposal blocks vista 2** to our Grade I Listed Building identified in policy COH/1-1a in Cottenham's pre-referendum Neighbourhood Plan - similar to a reason for refusal of the more open design in the original application for outline permission.

- *The restrained red line site puts pressure on house location and protection of a key vista in Cottenham's Neighbourhood Plan (which also featured in SCDC's refusal of outline permission).*

7) **The design and layout** conflicts with Cottenham's Village Design Statement and policy COH/1-5a, b, c, and d which is a derivative of it, intended specifically to apply lessons learned from previous new build projects in Cottenham in order to conserve the character of the village as explained in the Neighbourhood Plan and the E8 and E12 Evidence Papers prepared in its support.

In the south of the site, the second tier of 11 houses (street scene 4 – a run of five near-identical houses, each with unusually steep pitches on garage roofs followed by another run of five near-identical houses with unusually steep pitches on both house and garage roofs followed by a singleton), are uncharacteristic of Cottenham designs (NP policy COH/1-5b,c), and prevent a larger area being available for public open space contiguous with the existing sports facilities (NP policies COH/4-1 and COH/4-4). These tall houses, being out of character and close to established ones are a particular concern when they become even more overbearing when their relative height is increased by the inevitably higher datum of the new properties as a result of land recovered from site groundworks being re-distributed around the site.

Around Ramphill Farm, 3 blocks totalling 10 maisonettes (street scene 2) and the redundant stub "road to nowhere", which are also out of character with Cottenham village character (NP policy COH/1-5b,c), and prevent a better configuration of public open space (NP policies COH/4-1 and COH/4-4), especially when the adjacent County Council hectare becomes available if/when the Primary School expands onto Parish Council leased land.

- *The restrained red line site puts pressure on house location, protection of a key vista in Cottenham's Neighbourhood Plan (which also features in SCDC's initial refusal of outline permission here) and site layout, which although improved from previous attempts, retains too many areas of "sameness" by having too many near-identical house designs (ridge heights, plot widths, building lines and site positions).*

8) **Les King Wood** was planted some 20 years ago. This woodland was planted in February 2000 on a site owned and managed by Cambridgeshire County Council to improve the environment for wildlife and the landscape for local people. It was named the 'Les King

Wood' in memory of Les King, a much respected forestry contractor who lived in the village of Cottenham and planted many woodlands and hedges in Cambridgeshire. The main aims (say Cambridgeshire County Council) of this wood are "to enhance the long-term appearance of the landscape, and to create a quiet place to enjoy walks along the rides meandering through the woods and glades. A variety of mixed broad-leaved species of tree have been planted such as Oak, Ash, Alder, Wild Cherry, Crab Apple, Hornbeam and Field Maple as well as many woody shrubs."

Although rejected as Local Green Space in the adopted SCDC Local Plan due to it being disconnected from the village at the time, recent developments, especially the Gladman / Redrow site on the opposite side of Rampton Road and its recent connection via a bridleway to Broad Lane, have brought it into a well-connected position in the village's green infrastructure. Cottenham's Neighbourhood Plan includes most of it as Local Green Space, a recommendation accepted by the NP Examiner. The wood is already Public Open Space in all but name and this development proposal risks compromising its availability by locating a substantial SUDS within its boundary.

- *The smaller red line site puts pressure on house location, protection of a key vista in Cottenham's Neighbourhood Plan (which also featured in SCDC's initial refusal of outline permission here) and arrangements for safe management of surface water, especially along the edge of Les King Wood, which became Local Green Space in Cottenham's Neighbourhood Plan.*

9) **Drainage** is a serious issue around Cottenham. The Cottenham Lode transports surface water from developments to the southwest of the village, including Northstowe and parts of the A14, across the northern part of the Parish and into the Great Ouse, or Old West River as it is known locally. That drainage system is already being compromised by failure, despite planning conditions, to complete the protective telemetry and legal agreements that would safely divert high level flows from Northstowe Phase 1 and 3A into an Old West Internal Drainage Board main drain when the Cottenham Lode is already in flood. Other recent developments in and around Cottenham have flood outflows into old low-lying ditches and drains which ultimately rely on the pumping stations of the Old West Internal Drainage Board to keep their water levels low and avoid flooding the village. This proposal is no different. The runoff from the sandy-clayey site is proposed ultimately to use the adjacent Catchwater Drain which is connected to the IDB's Queenholme Pumping Station. However, the design calculation seems to have been misled by "local authorities" (Surface Water Drainage Strategy Addendum); contradicting the Appeal Inspector's condition 16 by instructing the engineers to use only impermeable land in the run-off calculation despite knowing that the permeable land does not support infiltration. The design itself is necessarily complex to manage even these lesser flows and will be almost impossible to maintain given the nature of the soil as is well known to users of Les King Wood or the 3rd Field. There is insufficient space to install adequate surface water retention and release capacity to slow run-off flows down to the 1.1 litres per second per hectare required by the IDB's system without seriously compromising Les King Wood. In addition, there is no

agreement with the IDB to accept that run-off into a system that may already be compromised by the uncontrolled Northstowe outflows identified above. An effective design may require much more of Les King Wood – now Local Green Space in Cottenham’s Neighbourhood Plan – to be consumed by the Sustainable Urban Drainage System.

- *The constrained red line site puts pressure on house location and arrangements for safe management of surface water, especially along the edge of Les King Wood, which became Local Green Space in Cottenham’s Neighbourhood Plan. Currently there are serious doubts over the adequacy of the design – both in capability and maintainability, risk involved should the site be abandoned when only partly developed with an incomplete and or ineffective SUDS, and, in the long run, the SUDS becoming ineffective due to clogging by the sandy/clayey soil or in the absence of a long-term maintainer. Planning conditions previously imposed on Brenda Gautrey Way, Tenison Manor, Racecourse View and others have not been adequately enforced undermining local trust in the enforcement regime.*

10) **Access Road from Rampton Road** to the proposed rearward extension of Cottenham Primary School. This was proposed, including several alternative sites, and investigated during development of the Cottenham Neighbourhood Plan but removed prior to examination due to residual doubts over its extent and location. However, it has recently been confirmed by Cambridgeshire County Council that their intention is to extend the site rearward into land which is currently leased by Cottenham Parish Council, potentially reducing the amount of land available for sport. In addition, because of safety concerns over increased traffic an expansion would bring to Lambs Lane, This Land has been required to show a “stub” road headed towards the potential extension despite such stub roads normally being objected to by County Highways unless there is a clear purpose and onward connection (as in the case of “permeability” between the nearby Persimmon and Redrow sites in Cottenham). It is notable that 1 hectare of the reduction, between the redline boundaries at appeal and now, arises from Cambridgeshire County Council’s retention of 1 hectare that potentially links the application site and the land leased to Cottenham Parish Council. This Land misleadingly (Design & Access addendum p25) shows how a full-size 11 v 11 football pitch might be integrated into this 1 hectare into Cottenham’s sports provision without showing the effects of the intersecting road.

- *Withholding the 1 hectare achieves several things – at a cost. It underwrites the possibility that the application site can be connected to the future Primary School extension, subject to planning permission, and might also form the basis of the required “land swap” should part of the leased 3rd Field be taken for the school extension. However a full 5.1 metre road plus footways and fences etc. as insisted on by County Highways for the Recreation Ground access road upgrade, would encroach considerably onto the land available for the required 11v11 pitch, as would the FA’s stipulated additional 3 metre “respect” space along the touchlines. The indicative layout shown on page 25 of the Design & Access addendum statement is misleading by implying there*

would be space for such a 11 v 11 pitch. The road, in this position would necessarily cross land designated as Local Green Space.

- 11) **Reconfiguring sports fields** is an expensive proposition, made even more expensive if intensification of use (all-weather surfaces, flood-lighting) is necessary due to reduced area being available to serve a larger population. As Cottenham grows from today's 6,400 residents to around 8,000 following the recent permissions; and the constraints on space proposed by this development, an all-weather multi-use area will be needed close to the pavilion (so as to avoid surfaces being contaminated with mud). The proposed Public Open Space in the south of the development is not large enough to support, say a 11v11 and a 3-court netball arena, both of which are necessary additions supported by s106 funding agreements.
- *The restrained red line site puts pressure on house location and reduces the land available for retention as public open space adjacent to the existing sports pitches at the Recreation ground – as shown, albeit not very clearly, in the appeal drawing P16021-003D/E which reflected the masterplan in the original refused application.*
- 12) **Boundary treatment** This Land is proposing to remove a considerable amount of established hedgerow, replacing it with close-boarded fencing to secure the site perimeter. This conflicts with policy NH/4 in SCDC's adopted Local Plan and the commitment in the biodiversity enhancement strategy (page 9) to retain this hedgerow throughout the development. The hedgerows are considered to be a "Habitat of Principal Importance". The retention of hedgerows will continue to provide a wildlife corridor for commuting bats as well as habitat for birds and invertebrates.
- *The restrained red line site puts pressure on environmental protection in conflict with Local Plan policy NH/4.*
- 13) **Status of the POS** it is not clear how much Public Open Space will be retained on-site and how and on what basis this will be maintained and available for public use, especially:
- Les King Wood which, although sold to This Land Limited has been regarded as part of Cottenham's public open space since its inception in 2000. Inclusion in Cottenham's Neighbourhood Plan as Local Green Space and recent connection via bridleway to Broad Lane elevated its local importance and much of it was granted protection as Local Green Space in the Neighbourhood Plan.
 - The land towards Rampton Road, identified as possible POS is too small for effective use in an all-weather upgrade for more intensive use. Reducing the number of houses from areas 4 and 2 of the Design & Access addendum would help considerably.
 - *The original, 2 hectare larger redline site was refused permission for 154 houses despite being better laid out and more conformant with Cottenham's Neighbourhood Plan than the current proposal. The restrained red line site puts pressure on house location and reduces the land available for retention as public open space, especially adjacent to the existing Sports pitches at the Recreation ground – as shown, albeit not very clearly, in*

the appeal drawing P16021-003D/E which reflected the masterplan in the original refused application.

Mitigation has to involve a considerable reduction in the number of houses being proposed adjacent to the existing playing fields, especially the “out of character” ones in the south of the site, parallel to existing houses on Rampton Road, those adjacent to Ramphill Farm and some relocated nearer to Les King Wood without compromising the key vista.

It should also involve earliest engagement with the County Council to secure a non-invasive access route to a school extension and shorten the walking distance into the village by the necessary land exchanges or permissions.

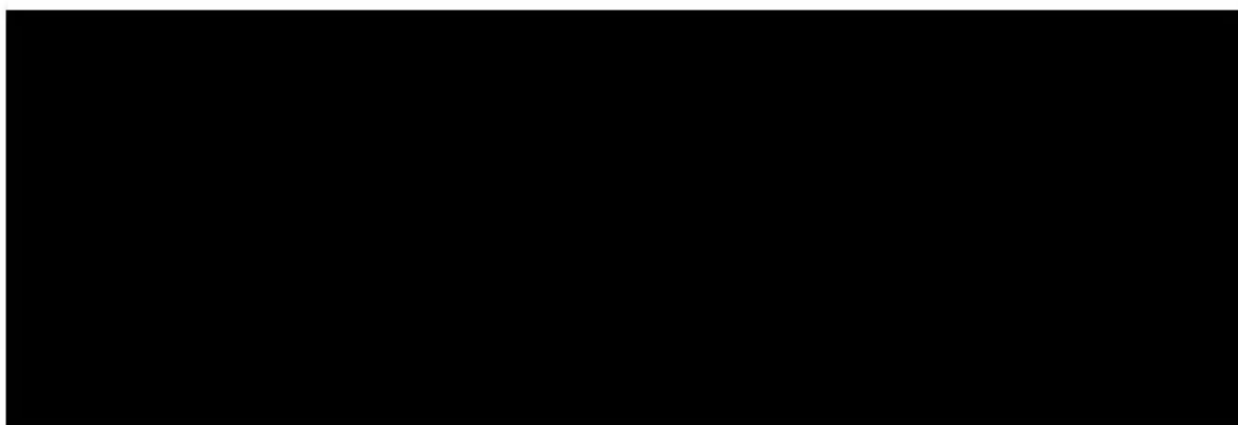
- The issues of potential conflict of interest arising from either County or District Council priorities can, given the substantial change in “red line area”, only be properly dealt with by referral to a neutral Planning Inspector following SCDC refusal of this application and a presumed appeal by the applicant.
- Some of the issues raised can be mitigated, as has been suggested earlier, by a reduction in the number of houses proposed on the site, particularly in three areas:
 - in the south of the site, removal of the second tier of 11 houses (street scene 4 – a run of five near-identical houses, each with unusually steep pitches on garage roofs followed by another run of five near-identical houses with unusually steep pitches on both house and garage roofs followed by a singleton), which are uncharacteristic of Cottenham designs, to conserve village character (NP policy COH/1-5b,c), and facilitate a larger area being available for public open space contiguous with the existing sports facilities (NP policies COH/4-1 and COH/4-4). These tall houses, being out of character and close to established ones are a particular concern when they become even more overbearing when their relative height is increased by the inevitably higher datum of the new properties as a result of land recovered from site groundworks being re-distributed around the site.
 - around Ramphill Farm, removal of 3 blocks totalling 10 maisonettes (street scene 2) and the redundant stub “road to nowhere”, which are also out of character with Cottenham designs, to conserve village character (NP policy COH/1-5b,c), and facilitate a better configuration of public open space (NP policies COH/4-1 and COH/4-4), especially when the adjacent County Council hectare becomes available if/when the Primary School expands onto Parish Council leased land.
 - along the edge of Les King Wood, relocation or removal of up to 20 houses (street scene 6), which are out of character with Cottenham designs requiring more variety of ridge height and building line, to conserve village character (NP policy COH/1-5b,c), and restore the vista (NP policy COH/1-1a vista 2) through to the Grade I listed All Saints Church and allow more space, albeit with some

tree loss, for proper drainage systems (NP policy COH/2-2e) without destroying Les King Wood – a Local Green Space (NP policy COH/1-7, SCDC policy NH/14).

- The boundary treatment around the site should be secure against informal pedestrian access and based, wherever possible on existing hedgerow to protect a wildlife “habitat of principal importance” for commuting bats, birds and invertebrates (SCDC policy NH/4).
- The design of the surface water management system should be independently assessed to give confidence to Cottenham Parish Council and the community; it should (NP policies (COH/2-2e,f,g) be:
 - independently assessed for efficacy, including the correct calculation basis (inclusion of all developed land) and maintainability, and
 - reviewed to ensure arrangements are in place for the situation if and when building works, having started, are paused or stopped leaving a partially developed site with compromised SUDS, and
 - established that a formal permission for outflow has been obtained from the Old West Internal Drainage Board, and
 - verified that a viable contract is in place with an enduring party for maintenance of the SUDS in perpetuity. (COH/2-2e,f,g)
- The adequacy and ownership status of the Public Open Space near the Sports Pavilion must be verified (NP policies COH/4-1 and COH/4-4 and supporting Evidence Paper E4).

Recommendation In the absence of adequate mitigations, Cottenham Parish Council requests that the application S/4207/19/RM is refused.

Prepared on behalf of Cottenham Parish Council



Frank Morris BSC (Eng) ACGI CEng FIET
Chair
Cottenham Parish Council