

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

5 August 2015

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

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<b>Application Number:</b>	S/2273/14/OL
<b>Parish(es):</b>	Fulbourn
<b>Proposal:</b>	Outline application (access only) for consideration of access points for high quality residential development of up to 110 dwellings with areas of landscaping and public open space and associated infrastructure works.
<b>Site address:</b>	Land at Teversham Road, Fulbourn
<b>Applicant(s):</b>	Castlefield International Limited
<b>Recommendation:</b>	Refuse
<b>Key material considerations:</b>	The main issues are whether the proposed development would provide a suitable site for housing, having regard to the principles of sustainable development and housing land supply, scale of development, landscape impact, and impact on the village character including Conservation Area, level of services and facilities, drainage, ecology, noise, viability and transport.
<b>Committee Site Visit:</b>	Yes
<b>Departure Application:</b>	Yes
<b>Presenting Officer:</b>	Andrew Fillmore
<b>Application brought to Committee because:</b>	The application proposal raises considerations of wider than local interest
<b>Date by which decision due:</b>	6 May 2015

### Executive Summary

1. This proposal seeks outline permission (access only) for a residential development of up to 110 dwellings outside the adopted Fulbourn village framework and in the countryside. The development would not normally be considered acceptable in principle as a result of its location. However two recent

appeal decisions on sites in Waterbeach have shown that the district does not currently have a 5 year housing land supply, and therefore the adopted LDF policies in relation to the supply of housing are not up to date. The NPPF states there is a presumption in favour of sustainable development, and where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

2. In this case the combination of the adverse impacts of the development on the landscape character, Fulbourn Conservation Area and ecological interests are considered to demonstrably and significantly outweigh the public benefits that consist of a contribution of 110 dwellings towards the required housing land supply, including 30% affordable.

### **Planning history**

3. No previous planning applications of relevance.

### **Planning Policies**

#### **4. National**

National Planning Policy Framework  
National Planning Policy Guidance

#### **5. South Cambridgeshire LDF Core Strategy DPD, 2007**

ST/4 Rural Centre

#### **6. Adopted Local Development Framework, Development Control Policies**

DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and new development  
HG/1 Housing Density  
HG/3 Affordable Housing  
SF/6 Public Art and New Development  
SF/10 Outdoor Playspace, Informal Open Space and New Developments  
SF/11 Open Space Standards  
NE/1 Energy Efficiency  
NE/3 Renewable Energy Technologies in New Development  
NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/7 Sites of Geological Importance  
NE/9 Water and Drainage Infrastructure  
NE/10 Foul Drainage – Alternative Drainage Systems  
NE/11 Flood Risk  
NE/12 Water Conservation  
NE/14 Lighting Proposals  
NE/15 Noise Pollution  
NE/16 Emissions  
CH/2 Archaeological Sites  
CH/3 Listed Buildings  
CH/4 Development within the curtilage or setting of a Listed Building  
CH/5 Conservation Area  
SF/10 – Outdoor Play Space, Informal Open Space and New Developments

SF/11 – Open Space Standards  
TR/1 Planning for More Sustainable Travel  
TR/2 - Car and Cycle Parking Standards  
TR/3 Mitigating Travel Impact  
TR/4 Non-motorised Transport

**7. Supplementary Planning Document(s)**

District Design Guide SPD – adopted 2010  
Public Art SPD- Adopted 2009  
Development Affecting Conservation Areas SPD – Adopted 2009  
Health Impact Assessment SPD – March 2011  
Affordable Housing SPD – March 2010  
Open Space in new Developments SPD – Adopted 2009  
Listed Buildings SPD – Adopted July 2009  
Trees and Development Sites SPD – Adopted January 2009  
Landscape and new development SPD – Adopted March 2010  
Biodiversity SPD – Adopted July 2009

**8. South Cambridgeshire Local Plan (emerging)**

*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/7 Development Frameworks*  
*S/9 Minor Rural Centres*  
*S/12 Phasing, Delivering and Monitoring*  
*CC/1 Mitigation and adoption 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*  
*HG/1 Design principles*  
*HG/2 Public art in new development*  
*NH/2 Protecting and enhancing landscape character*  
*NH/4 Biodiversity*  
*NH/6 Green infrastructure*  
*NH/11 Protected Village Amenity Areas*  
*NH/14 Heritage assets*  
*H/7 Housing density*  
*H/8 Housing mix*  
*H/9 Affordable housing*  
*SC/8 Open space standards*  
*SC/11 Noise pollution*  
*SC/13 air quality*  
*T/1 Parking provision*

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

9. **Fulbourn Parish Council** (Full comments set out in Appendix A) - Recommend refusal. Comments can be summarised as:

- The outline application indicates that the plan could meet issues, not that it will. The site is difficult to develop and such items such as the number of dwellings, type and layout should not be deferred.
  - Character context and visual impact – setting of Poor Well would be severely adversely affected. The development is not the same character as the rest of the village.
  - Environment and Wildlife Impact – the otter, badger and water vole survey are insufficient. The drainage ditch to the southern boundary is incorrectly described indicating this ditch has not been surveyed. A suitable relocation site for snakes needs to be identified before development can go ahead. Street lighting needs to be addressed to limit the encroachment of urbanisation features.
  - Local Plan Emerging Policy – Fulbourn village is proposed to be reclassified a Minor Rural Centre. This housing is not required to meet housing targets supply do to the memorandum of understanding between Cambridge City/South Cambs.
  - The two fields plus Poor Well and the Old Pump House garden are to be designated Local Green Space.
  - Water Management, Flooding and Sewerage – Sewerage has not been considered. All permitted development rights should be removed as additional development could adversely affect surface water mitigations. The consequential flooding of surrounding area has not been considered. The management company responsible for maintenance and drainage must be fully endowed. The effect of inundation on the sewage system and existing surrounding properties has not been considered.
  - Noise and odour – The plan must ensure there is no impact on existing businesses adjoining the site.
  - Effect on amenities – The primary school is full and would need to be substantially enlarged, as would the Heath Centre. Tesco superstore is not a village amenity and should not be taken into account.
  - Site History – The site lies outside the village development boundary contrary to the current development plan. The site has been rejected as unsustainable for housing development in the draft Local Plan.
  - Affordable Housing – No commitment is given to provide a percentage of affordable housing.
  - Future development – the effect of future completion of up to 340 new homes at the Swifts and Ida Darwin site and an extra care facility must be taken into account when consideration this application.
10. **CLLR Williams** (Full comments set out in Appendix B) – Object. The planning history of the site shows it to be unsuitable for housing development given its high ground water table. The site is an open public amenity and its development would be detrimental to the rural character of Fulbourn. The development is inconsistent with the housing needs of Fulbourn as identified by the Housing Needs survey and Local Plan. The design fails to meet NPPF guidelines. The application is therefore inconsistent with the NPPF policies on a range of matters.
11. **SCDC Drainage** – No objection subject to the conditions advised by the Environment Agency. Please be advised that Land Drainage Byelaws consent will be required from the council before any works on site commence, including a requirement to provide a 5m maintenance strip along the council's award drains and the prior consent of the council will be required for any proposal to increase the rate or volume of flow in the awarded watercourse system.

12. **SCDC Urban Design** – The proposals are generally acceptable, and the designs have the potential to deliver a quality development. The principle of residential development in this location, relationship with existing housing and indicative layout are all acceptable
13. **SCDC Landscape** – Object. The site has a rural character, a green village edge with views through to a mature area of meadow, hedges and areas of woodland. Landscape character would be completely altered as the whole site would have to be either raised as a building platform, or lowered to provide drainage routes or attenuation areas. Grassland will be retained but these will largely be confined to drainage areas, and it is likely the quality of landscape and ecology would be reduced as it will take many years to replace the lost semi-improved grassland. The landscape effects on the water table and the many small springs have also not been considered. Locally the landscape character would not be enhanced by replacing established village edge meadows with built areas and drainage features. Visual effects would be most evident from close viewpoints. Currently the green village edge and mature, tranquil meadow form the views experienced by receptors (local residents and visitors to the site). This would be completely altered by the proposed 110 dwellings. Recommend refusal on grounds the development will irreversibly change the landscape and visual character of a valued and well used village green space, with the development introducing a built area with a high dwelling density into an area of low density with a green and permeable character, and very little of the public open space is accessible.
14. **SCDC Trees** – No objection.
15. **SCDC Ecology** – Object. The grassland within the fields is interesting in that a range of species associated with high value grasslands are present including Early Marsh Orchid, Common Spotted Orchid, Southern Marsh Orchid, Pyramidal Orchid, Adder's-tongue and Yellow Rattle. The mature hedgerows provide habitats for a wide range of bird species and other fauna including some species of conservation importance such as the calling Turtle Dove seen during our visit. The chalk stream with its clear water fed by nearby springs is also of interest.
16. The combinations of these habitats make the site of significant ecological interest in the local parish and possibly even district context. Although the site could not currently be considered to be of County Wildlife Site quality, it has considerable potential for enhancement. The relatively undisturbed soils not subject to significant agricultural improvement and the mosaic of habitats including grassland with several indicator species present, mature hedgerows and a chalk stream could be managed in a way that would result in it becoming of such standard. There are very few places where such a ready mix of interesting habitats and species are found which could be enhanced to meet local and national biodiversity conservation targets and these fields are one of the best opportunities I have seen locally.
17. The current development proposals for 110 dwellings and associated infrastructure will clearly result in a loss of biodiversity in the absence of significant mitigation and ecological enhancement or compensation measures. For example, the requirement to drain the area to allow houses to be built will inevitably result in the loss of suitable damp chalky soil conditions for the species such as March Orchids and Adder's-tongue.

18. The current development indicative layout shows retention of the mature hedgerows and buffer areas around them, as well as a central green corridor based around the chalk stream. However, it doesn't address protection and enhancement of the grassland habitats. Also the loss of most of the grassland area will significantly reduce the foraging potential for fauna using the retained hedgerows and thus reduce the value of the hedgerows.
19. In terms of the indirect impact upon the Fulbourn Fen nature reserve. The Wildlife Trust may not have had the opportunity to raise their concern before. This major development of 110 houses could potentially place more pressure on the Wildlife Trust's reserve. If people do not walk they may choose to drive to it thus generating the indirect impact upon Fulbourn Fen SSSI which policy NE/7 Sites of Biodiversity or Geological Importance seeks to avoid.
20. I would revisit the NPPF paragraph 118 which states that "if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."
21. **Environmental Health (Contamination)** – No contaminated land condition is required.
22. **Environmental Health (Noise)** – No objection subject to imposition of a Grampian style condition/S106 securing a no build zone across part of the site.
23. There are a number of industrial units located to the North West of the application site. These units include Gatewood Joinery and P & R Coachworks which when operational generate a significant amount of noise that also includes noticeable acoustic features (tones, screeches, bangs and crashes).
24. These industrial units have established historical planning uses and planning control does not restrict the hours of operation of the businesses. The operation of these units generate relatively high noise levels which are likely to have a significant adverse effect on the general external noise environment and living conditions including the health and quality of life / living conditions of a proportion of the proposed residential development.
25. It is not possible to mitigate against the industrial noise through technical solutions such as façade design and appropriate site layout to create internal and external living spaces that comply with adopted acoustic standards to be secured via the planning process. For the development to be acceptable from a noise perspective it is necessary for a no build zone to be secured in the area of highest noise along with changes to the site layout or for the noise to be mitigated at source.
26. **SCDC Housing** – The starting point for delivery the affordable housing policy requirement is 40%. The applicant needs to justify the mix and percentage of affordable units.
27. **CCC Waste Disposal Authority** – Recommend conditions requiring provision of a site waste management plan and waste audit and construction environmental management plan.

28. **CCC Transport** – The county council does not agree with the applicants that there is adequate pedestrian/cycle provision within the area and no improvements are required, and the following improvements are sought;
- Widen the footway onto Hinton Road to facilitate cycle accessibility, improvements to the Hinton Road/Fulbourn Old Drift uncontrolled crossing facilities;
  - Provide drop kerbs facilities at The Maples, Birdfarm Road, The Haven, Haggis Gap and Swifts Corner Junction to ensure accessibility by pedestrians to key facilities;
  - Provide footway links to connect to existing footways in the vicinity
29. **CCC Highways Development Control** – The proposed means of vehicular access are acceptable to the local highways authority.
30. **CCC Libraries** – A developer contribution will be sought towards additional stock, information resources and facilitated access to books and materials.
31. **CCC Education** – Developer contributions required.
32. **CCC Archaeology** – No significant archaeology was present in the field evaluation undertaken.
33. **Cambridgeshire Fire and Rescue** – Request adequate provision be made for fire hydrants.
34. **Anglian Water** – (Wastewater) The foul drainage from this development is in the catchment of Teversham Water Recycling Centre that will have available capacity for these flows. (Foul Sewerage Network) The sewerage capacity has available capacity.
35. **Natural England** – No objection. This application is in close proximity to Fulbourn Fen and Great Wilbraham Common SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application will not damage or destroy the interest features for which these sites have been notified. These SSSI's do not represent a constraint in determining this application.
36. **Police Architectural liaison Officer** – In general the block design is ideal in terms of Secure by Design.
37. **Sport England** – No comment
38. **Network Rail** – No objection.
39. **Historic England** – The application is in outline form only and therefore it is difficult to assess the full implications. Historic England considers that development within the parameters of the indicative masterplan would have some adverse impact on the character and appearance of the Conservation Area through the loss of the current rural appearance of the area. The extent of the harm would be limited, in particular the 2½ storey dwellings to the edge of the village are not appropriate, the provision of a LEAP on the front part of the site adjacent the pond and pumping station will sit awkwardly in the historic context. It might be possible to mitigate part of the harm through the layout of the housing, design of the units and landscaping.

40. **Environment Agency** – The applicants are proposing to restrict the surface water run-off to the 1 in 1 Greenfield run off rate for all return periods up to and including the 1 in 100 event for the whole site which is significantly better than the existing run off rate, although it results in a large half drain time for the bioretention ponds. The proposals therefore go beyond our requirements for the mitigation for increases in volumes of surface water.
41. At the detailed design stage we would expect to see a drainage layout and attenuation ponds, soakaways and drainage storage tanks, details of who will adopt and be responsible for future storage.
42. Recommend a condition is imposed requiring the provision of a detailed surface water drainage scheme for the site based on the Flood Risk Assessment produced by Cannon Consulting Engineers.
43. **Cambridge Past, Present and Future** – The SHLAA identified a number of issues with the site relating to noise and odour and drainage. Further to these issues there is already extensive development in the pipeline with the danger the village infrastructure and character will be overwhelmed. The site lies outside the village envelope. The whole of the development area has been recognised as a Local Green Space which is protected by the NPPF.
44. **Fulbourn Forum for Community Action** – Strongly object for many reasons including the suitability of the site for development due to its wetness and being prone to flooding. Object for the following reasons:
- The site has been considered in principle and rejected as unsuitable as part of the draft Local Plan process
  - The site is outside the village boundary contrary to the development plan
  - Fulbourn is to be reclassified as a minor rural centre in the Local Plan limiting new development to no more than 30 dwellings
  - The Local Plan proposes to designate the site Local Green Space
  - Housing is not required to meet the 5 year housing land supply obligations due to memorandum of understanding between SCDC and the City Council
  - The site is prone to surface water flooding
  - The wider village infrastructure will be overwhelmed
  - The development does not take account of the new homes planned at The Swifts and Ida Darwin Hospital
45. **Campaign for the Preservation of Rural England** – Object to this application. The site has been identified in the submission Local Plan as Local Green Space. The site is essential to the character of the village. Housing of this scale is not required to meet the 5 year housing land supply obligations due to a memorandum of agreement between SCDC and Cambridge City.
46. **Wildlife Trust** – Object. It is difficult to envisage how the current development proposal will result in anything but a net loss in biodiversity and would therefore be contrary to local and national planning policies. The NPPF states ‘if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. From a biodiversity and green infrastructure planning perspective the



current development proposal represents over-development. For a meaningful ecological scheme to be developed in the region of 50-60% of the current site would be required.

### **Representations**

- 47. Two representations have been received in support of the development.
- 48. 181 representations have been received opposing the scheme. The majority of these reiterate the views of Fulbourn Forum for Community Action. Additional concerns raised relate to highway safety, residential amenity, capacity of the schools and surgery, loss of countryside, and that the description of the application only refers to a single point of vehicular access.

### **Planning Comments**

- 49. The application site is located to the north western edge of Fulbourn and is enclosed by Teversham Road (west), Cow Lane (South), Cox's Drove (East), and the railway line which demarcates the sites northern boundary.
- 50. The site is largely open, with the exception of a number of trees found to the perimeter and within a small ornamental garden (Pumphouse Garden) to the south which abuts Cow Lane. This garden is heavily treed, and subject to a group Preservation Order. The site is generally flat and comprises open grassland with a number of drainage ditches, including the council's award drain, running through it.
- 51. The site is surrounded by residential properties, with the exception of a number of businesses found on Breckenwood Road industrial estate to the north-west and Cox's Drove to the east. Informal walking paths cross the site and are used by the public without consent of the land owner.
- 52. The application seeks outline permission (access only) for the construction of up to 110 dwellings with the matters of layout, scale, appearance and landscaping reserved. The scheme includes opening up the ornamental gardens to the public. 30% of the units are to be affordable at a 50/50 rented to shared ownership split. In terms of mix the open market units include 39% 2 beds, 35% 3 beds and 26% 4 or more beds, with the affordable units, comprising 41% 2 beds, 36% 3 beds and 23% 4 beds.
- 53. The site is located outside the village framework, with the Cambridge Green Belt found beyond the railway line to the north. The site abuts the Conservation Area which runs along Teversham Road to the south, with the ornamental gardens (where no housing is proposed) included in this designation. The emerging Local Plan proposes to designate the site a Local Green Space.

### **Principle of development**

- 54. The NPPF requires councils to boost significantly the supply of housing to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
- 55. On the 25th June 2014 in two appeal decisions for sites in Waterbeach the Inspectorate concluded that the council cannot currently demonstrate a five-year supply of deliverable housing sites. He identified either a 3.51 or 3.9 year supply

(each appeal was judged on its own evidence and slightly different conclusions reached). This is against the Strategic Market Assessment figure for objectively assessed needs of 19 000 homes between 2011 and 2031, which he concluded had more weight than the Core Strategy figure. It is appropriate for the conclusions reached within these appeal decisions to be taken into account in the council's decision making where they are relevant. Unless circumstances change, those conclusions should inform, in particular, the councils 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. These policies were listed in the decision letters and are: 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 new development in villages).

56. Where this is the case, paragraph 14 of the NPPF states there is a presumption in favour of sustainable development. It says that where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted.

*Is the site a sustainable location for up to 110 residential units?*

57. The NPPF states there are three dimensions to sustainable development: economic, social and environmental, which are mutually dependants.

### **Economic**

58. The proposed development would give rise to a number of economic benefits. In the short term this would include the creation of jobs in the construction industry as well as the multiplier effect in the wider economy arising from increased activity. In the long term the provision of housing would help meet the needs of businesses in Cambridge. Therefore the scheme would bring positive economic benefits thus complying with this dimension of sustainable development.

### **Social**

*Provision of new housing including affordable housing*

59. Chapter 6 of the NPPF relates to 'delivering a wide choice of high quality homes' and seeks to '*boost significantly the supply of housing*' placing importance on widening the choice of high quality homes and ensuring sufficient housing (including affordable housing) is provided to meet the needs of present and future generations.
60. The development would provide a clear public benefit in meeting the current housing shortfall in South Cambridgeshire through delivering up to 110 residential dwellings within 5 years from the date of granting outline approval, and officers are of the view significant weight should be afforded this benefit in the decision making process.

### **Mix**

61. Adopted policy requires a housing mix of at least 40% homes to be 1 and 2 bedrooms, and approximately 25% 3 and 4 bedrooms respectively, unless it can

be demonstrated that local circumstances suggest a different mix would be better to meet local needs. The application complies with this requirement and officers are of the view it is necessary to control this through condition at the outline stage.

#### *Affordable Units*

62. Adopted policy requires 40% affordable housing subject to particular costs associated with the development. The planning application was supported by a development viability appraisal which was used by the applicant to inform their initial offer of 20% affordable housing (70/30 rented to shared ownership) and a section 106 package totalling £550,000. In accordance with the affordable housing SPD the Council instructed Carter Jonas, acting independently from the Council, to assess the robustness of the applicants position. Several months of discussions ensued culminating in the applicant increasing their offer to 30% affordable housing (50/50 rented to shared ownership) with a section 106 package in the region of £980,000. Although there remain some areas of dispute between the two valuers, the view taken by Carter Jonas is that all things considered this is a reasonable offer.
63. As such the development is compliant with the council's policy on affordable housing, which recognises the need to take into account 'viability' in ensuring new development is deliverable.

#### *Services and facilities*

64. Fulbourn is served by a co-operative supermarket, butchers, green grocers, chemist, take away, hairdressers, beauty salon, café and three Public Houses. In addition the village has a children's nursery, primary school, library, church, village hall, health centre, community centre, tennis court and all weather sports area. Furthermore a Tesco Superstore is located a short distance (circa 3km) from the site, outside the parish boundary.
65. In terms of secondary education Fulbourn is served by Bottisham Village College, located circa 3km from the site to the other side of the A14. A bus service is provided for pupils residing in Fulbourn to attend this school.
66. Good access to employment opportunities exist with Cambridge city centre and the Science Park both circa 8km from the site.
67. In terms of health provision the NHS target ratio of GP to patient is 1:1800. For both Fulbourn Health Centre and Cherry Hinton Medical Centre, this is exceeded with ratios of 1:1839 and 1:2562. Cherry Hinton Surgery and Cornford House Surgery have available capacity and are within easy access. The closest dental practice with capacity for new patients is The Gables located on Cherry Hinton Road, circa 4km from the site.
68. Although the emerging Local Plan seeks to reclassify Fulbourn as a Minor Rural Centre (from the current designation as a Rural Centre) it is considered there is sufficient level of services and facilities in the village to cater for the needs arising from the development.

## *Transport*

69. One of the core principles of the NPPF is to *'actively manage patterns of growth to make the fullest possible use of public transport'*. Chapter 4 relates to 'Promoting sustainable transport' and advises *'the transport system needs to be balanced in favour of sustainable transport modes'*, however *'different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas'*. In summary the NPPF seeks to promote sustainable transport solutions, whilst recognising the difficulty of achieving this in rural areas.
70. Fulbourn is served by CITI buses 1 and 3 which run a service every 20 minutes including evenings and weekends to Cambridge city centre with a journey taking approximately 30min. Further services include Stagecoach 16 and 17 linking Fulbourn to Haverhill and Newmarket. The closest bus stop is located on Teversham Road, adjacent the site. Officers are of the view the site is well served by public transport.
71. No concerns are raised by the county council in respect of highway safety, however improvements are sought to the pedestrian/cycle network in the area. The applicant is willing to fund these works, however this would impact on the viability of the scheme further reducing the level of affordable housing provision.
72. Officers are of the view that whilst further improvements to the pedestrian/cycle network would be of public benefit this is not justified at the expense of affordable housing.

## **Environmental**

### *Local Green Space*

73. The NPPF has created a designation called 'Local Green Space,' which is for green areas of particular importance to local communities and which once designated can prevent new development other than in very special circumstances.
74. The site is proposed to be designated a 'Local Green Space' under the emerging Local Plan, where the scheme would conflict with policy NH/12 which seeks to protect such sites from development which would adversely impact on the character and particular local significance, as would be the case here.
75. The Local Plan is not adopted and as such the site is not currently subject to this designation. Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan

to the policies in the Framework, the greater the weight that may be given).

76. Given the Inspectorates interim findings on the Local Plan the emerging policy is not at an advanced stage, and taking into account the unresolved objections to this designation this significantly tempers the weight which can be afforded emerging policy NH/12. Officers are of the view limited weight can be given to the emerging Local Green Space designation.

#### *Landscape character*

77. The site is located to the northern edge of the village and is enclosed to three sides by development with the railway line demarcating the northern boundary and separating from site the open countryside beyond.
78. The council's landscape officer describes the site as having a '*rural character, a green village edge with views through to a mature area of meadow, hedges and areas of woodland*', and although enclosed is fairly permeable with views from Cox's Drove and Teversham Road. Both the east and west frontages feature mature trees and hedgerows, with filtered and clear views of the meadows which are divided by a mature hedgerow and stream running south to north. The southern boundary has more of a village edge character, retains a green frontage, and features two areas (The Pumphouse garden and Poorwell Water) of open space which connect to and offer views through to the site.
79. Officers are of the view, taking into account the land parcel is almost fully enclosed by development, and notwithstanding the site is an attractive green space which extends into the village the extent of harm to the landscape character is 'less than substantial'.

#### *Green Belt*

80. The site is separated from the Cambridge Green Belt by the railway line, which provides a physical barrier between Fulbourn village and the designated land to the north. Officers are of the view this clear separation prevents any harm to the openness of the Green Belt.

#### *Ecology*

81. The NPPF advises the planning system should contribute to and enhance the natural and local environment by, amongst other criteria, minimising the impacts on biodiversity and contributing to the Governments commitment to halt the overall decline in biodiversity. Paragraph 113 advises '*distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and contribution they make to the ecological network*'. Paragraph 118 advises development resulting in significant harm should be refused.
82. The councils ecologist advises the site is not of county wildlife site quality but is of 'local district/parish level' importance primarily due to the range of species found on the grasslands. These species include Early Marsh Orchid, Common Spotted Orchid, Adders Tongue and Yellow Rattle. Additionally the mature hedgerows provide habitats for a wide range of bird species and other fauna including some species of conservation importance.

83. The indicative layout plan shows the retention of the mature hedgerow and buffer areas around as well as a central green corridor, but does not address the protection of the grassland habitat, with this loss notable in its own right as well as significantly reducing the foraging potential of fauna using the retained hedgerows and thus the value of the hedgerows.
84. Although the application is in outline form, and consent is not sought for layout the proposal is accompanied by a drainage plan which demonstrates how the site is to be drained of surface water, with this plan indicating engineering operations within the area of high value grassland. No evidence has been supplied demonstrating these engineering works, necessary to drain the site of surface water, can be achieved without impacting on the grassland. Officers are of the view the loss of this grassland, without appropriate compensation/mitigation, is considered to result in substantial harm to ecological interests.
85. This adverse impact on ecological interests weighs heavily against the application, although the extent of harm is tempered by the sites status as being of district/parish level importance.
86. In respect of the impact higher tier ecological sites, Natural England advice the sites proximity to Fulbourn Fen and Great Wilbraham Common SSSI will not damage or destroy the interest features for which these sites have been notified, and this does not represent a constraint in determining this application.
87. The development has been screened under the Environmental Impact Assessment Regulations and found not to constitute EIA development.

#### *Noise*

88. There are a number of industrial units which adjoin the site to the north-west, including Gatewood Joinery and P & R Coachworks which when operational generate significant levels of noise that includes noticeable acoustic features (tones, screeches, bangs and crashes). These industrial units have established historical planning uses and planning control does not restrict the hours of operation.
89. The environmental health officer advises the operation of these units generates noise levels which are likely to have an unacceptable adverse effect on the general external noise environment and living conditions including the health and quality of life / living conditions of the residential units located closest to the industrial units. It is possible to adequately address this through appropriate mitigation measures at source, however this is outside the control of the applicant.
90. Subject to securing a 'no build zone' preventing new residential development within a defined area where noise levels are unacceptable (which can be secured through the S106) the development provides an acceptable impact on future resident's amenity.
91. Should the applicant be in a position to address these noise concerns this would allow the development to be built out in full (110 dwellings), however failing this the 'no build zone' will be maintained in its current state (can be controlled by condition).

### *Trees*

92. Permission is sought for access only and the tree officer agrees it is possible to design a scheme without impacting on existing mature trees which tend to be located to the perimeter. No major works are proposed within the area subject to the Preservation Order.

### *Heritage assets*

93. Fulbourn Conservation Area extends along part of the southern boundary and includes the ornamental gardens.
94. English Heritage advise that development within the parameters of the indicative masterplan would have some adverse impact on the character and appearance of the Conservation Area through the loss of the current rural appearance of the area and consider the extent of the harm 'limited'.
95. Chapter 12 of the NPPF relates to Conserving and Enhancing the historic environment where paragraph 132 advises that when considering the impact on the significance of a heritage asset, great weight should be given to the assets conservation. The NPPF goes on to advise that where a proposal will lead to 'less than substantial harm' to the significance of a designated asset this harm should be weighed against the public benefits of the proposal.
96. Further concerns are expressed by English Heritage over the 2½ storey height of the dwellings to the edge of the village and provision of a LEAP on the front part of the site adjacent the pond and pumping station. As the application is in outline form these matters are not fixed and would be assessed at reserved matters stage.
97. Other designated heritage assets in the vicinity include the grade II listed 29 Hinton Road and 28 Cow Lane, which are both sufficiently separated from the site to negate any harm to their setting. Non-designated heritage assets identified include the Pumping Station (Cow Lane), Gate Lodge (Teversham Road) and Bakers Arm Public House (Hinton Road), none of whose setting will be compromised by the development.

### *Archaeology*

98. A field evaluation has been undertaken and no constraints with regards to archaeology have been identified.

### *Flood Risk and Surface Water Drainage*

99. The applicants are proposing to restrict surface water run-off to the 1 in 1 Greenfield run off rate for all return periods up to and including the 1 in 100 event for the whole site which the Environment Agency advice is significantly better than the existing run off rate. This is to be achieved through constructing a number of attenuation ponds which in turn drain into the councils award drains and off the site. Neither the agency nor councils drainage manager oppose the scheme subject to conditions

100. A number of representations draw attention to the site being 'wet' as evidenced in the photographs received. The site is liable to surface water flooding, however appropriate mitigation is being proposed to address this.

### **Other considerations**

#### *Contamination, rail, crime, fire and rescue and foul drainage*

101. No concerns are raised with regard to contamination, impact on the rail network or crime and disorder. Concerns relating to providing sufficient fire hydrants can be secured by condition.
102. Anglian Water confirm there is sufficient capacity for foul drainage in the catchment of Teversham Water recycling Centre, with the sewerage system having available capacity for these flows

#### *Local representations*

103. There is strong local opposition to the development, with close to 200 representations received. Much of this correspondence supports the views of Fulbourn Forum whose objection is focussed on the status of the emerging Local Plan, housing targets, lack of affordable housing difficulties of the site and existing planned development.

### **Contributions**

104. Contributions will be sought for pre-primary school £231 000, pre-primary school £323 400, Secondary school £343 750, Libraries £7636.88, strategic waste £20 900 and Household bins £69.50 per dwelling, along with an appropriate monitoring fee.
105. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Development Control Policies DPD July 2007 requires that "All residential developments will be required to contribute towards Outdoor Playing Space (including children's play space and formal outdoor sports facilities) and Informal Open Space to meet the additional need generated by the development in accordance with the standards in Policy SF/11". Further the Council has historically secured contributions from single dwelling developments towards indoor community space via Development Control Policies DPD DP/4.
106. The recreation and open space study 2013 identified that Fulbourn experiences a deficit in both sports space, play space and informal open space. Fulbourn is also considered to have an identified shortfall in indoor community space.
107. CIL Regulation 123 effectively says that where there are section 106 agreements in place for more than five S106 contributions after April 2010 for a project or type of infrastructure, from April 2015 or the date CIL is adopted if earlier, a Local Planning Authority will not be able to collect any more contributions for that purpose. Officers can confirm that there have been more than five s106 agreements signed for development in Fulbourn to secure generic offsite contributions towards 'open space' and 'indoor community space'.



108. There has been debate about the exact meaning of 'infrastructure projects or types of infrastructure' (CIL Reg 123) and legal advice has been sought by some authorities. Whilst there are as yet no case law or appeal decisions which gives guidance on the subject, what is certain is that requests for s106 funding must now be towards a specific project to be considered lawful.
109. During the course of the planning application the Parish Council were advised and later reminded about this issue, and invited to submit details of (i) qualifying schemes (considered necessary to mitigate the impact of the development) and (ii) costs associated with those schemes.
110. Although Development Control Policies require contributions towards offsite open space and (where necessary) indoor community space the application of these policies are impeded by the CIL Regulations. If a qualifying scheme had been identified, which was unable to be funded on the grounds of viability, then this may have constituted a further reason for refusal. However in the absence of such a scheme coming forward officers have been unable to make this assessment.

### **Conclusions**

111. In determining planning applications for new housing development where the Council does not have an up-to-date 5 year housing land supply, the balancing exercise is skewed in favour of granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. In this case the applicant has demonstrated it is likely all of the units will be delivered within 5 years from the date of the outline consent and as such the proposal will make a notable contribution towards delivery of the councils housing targets.
112. The NPPF states there are three dimensions to sustainable development: economic, social and environmental and that these roles should not be undertaken in isolation because they are mutually dependant, and to achieve sustainable development gains should be achieved jointly and simultaneously.
113. There are economic benefits associated with the scheme. Likewise there are clear social benefits through the delivery of up to 110 much needed houses, including a percentage of affordable housing which has been justified on grounds of viability in accordance with the adopted policy requirements, and which the applicant has demonstrated can be delivered within 5 years from the date of outline consent being granted. These considerations weigh in favour of the development.
114. The environmental implications are more ambiguous, and there will be an adverse impact on the landscape character, setting of the adjoining Conservation Area, as well as harm to ecological interests.
115. The application is in outline form with consent only sought for access, and therefore the site layout and landscape details are not subject to consideration. Officers are of the view the development will result in harm to the landscape character, but taking into account the screening offered by the surrounding built form and introduction of appropriate landscaping (which would be assessed at reserved matters stage), the extent of this harm is limited. Similarly, the development of this site will impact adversely on the setting of Fulbourn

Conservation Area but the extent of harm is not 'significant', and can partly be mitigated through the site layout and landscape details.

116. The adverse effect on ecological interests is more pronounced with the development harmful to a site of local biodiversity importance. Despite requests for further discussions, the applicant has failed to demonstrate the engineering operations which are necessary to mitigate surface water drainage can be delivered without impacting adversely on the site's ecological value. As such the proposal is likely to result in demonstrable and significant harm to nature conservation interests.

117. Officers are of the view, on balance, the identified collective harm to the landscape character, setting of Fulbourn Conservation Area and ecological interests significantly and demonstrably outweigh the benefits that include delivering up to 110 dwellings (30% of which will be affordable) in a village with a range of services and facilities.

### **Recommendation**

118. Refuse for the following reason –

119. The collective adverse impact of the development on the landscape character, setting of Fulbourn Conservation Area and ecological interests results in demonstrable and significant harm which, on balance, outweighs the benefits which arise from delivering up to 110 dwellings (30% of which will be affordable at a 50/50 rented to shared ownership split) in a village which is well served by services and facilities and has good access to public transport links. For this reason the proposal does not represent sustainable development and conflicts with the requirements of the NPPF.

### **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 or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007  
<http://www.scambs.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013  
<http://www.scambs.gov.uk/localplan>

**Report Author:** Andrew Fillmore – Principal Planning Officer  
Telephone: (01954) 713180