

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

13 January 2016

AUTHOR/S: Planning and New Communities Director

Application Number: S/2580/15/OL

Parish(es): Foxton

Proposal: Outline planning permission for up to 76 residential dwellings (including 40% affordable dwellings), demolition of existing outbuildings, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Shepreth Road, and associated ancillary works. All matters to be reserved with the exception of the main site access.

Site address: Land off Shepreth Road, Foxton

Applicant(s): Gladman Developments Ltd

Recommendation: Refusal

Key material considerations: 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 and impact on character and landscape, impact on heritage assets, services and facilities, access and transport, drainage, and ecology.

Committee Site Visit: No

Departure Application: Yes

Presenting Officer: Paul Sexton, Principal Planning Officer

Application brought to Committee because: The application proposal raises considerations of wider than local interest.

Date by which decision due: 5 January 2016

Executive Summary

1. This proposal seeks outline permission (access only for approval) for a residential development of up to 76 dwellings outside the adopted village framework and in the countryside on a greenfield site. The development would not normally be considered acceptable in principle as a result of its location. However two 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 The NPPF states there is a presumption in favour of sustainable development, and where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when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, given the scale and location of the development, officers are of the view that the adverse impacts of the development on the character of Foxton village, and impact on the setting of Foxton House, a Grade II listed building, significantly and demonstrably outweigh the benefits that include a contribution of up to 76 dwellings towards the required housing land supply, including 40% affordable dwellings.

Planning History

3. S/2822/14/OL - Outline application for development of up to 95 houses (Class C3) with access, open space and associated infrastructure and with all other reserved – Refused – Appeal Lodged – Public Inquiry February 2016.
4. The above application was refused by Planning Committee at its meeting on 13 May 2015 following a Members Site Visit on two grounds.
5. '1. The proposed development of the site by up to 95 dwellings would, by reason of its scale and location, result in an alien form of development which would be out of character with the existing pattern and form of development. The proposal is therefore considered to be contrary to the aims of Policy DP/2 and DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, which state that planning permission will not be granted where the proposed development would have an adverse impact on village character and the countryside.
6. 2. The proposed development would, by virtue of its location (which includes land formerly within the curtilage of Foxton House), form, scale and proximity, have a significant adverse impact on the setting of Foxton House, a Grade II listed building. The proposal is therefore contrary to the aims of Policy CH/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD and the adopted Listed Buildings SPD, which seek to protect the setting of listed buildings.'

Planning Policies

7. *National Planning Policy Framework
Planning Practice Guidance*
8. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007*
ST/2 Housing Provision
ST/6 Group Villages
9. *South Cambridgeshire LDF Development Control Policies, adopted July 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
 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/9 Water and Drainage Infrastructure
 NE/10 Foul Drainage – Alternative Drainage Systems
 NE/11 Flood Risk
 NE/12 Water Conservation
 NE/14 Light Pollution
 NE/15 Noise Pollution
 NE/17 Protecting High Quality Agricultural Land
 CH/2 Archaeological Sites
 CH/4 Development Within the Curtilage or Setting of a Listed Building
 CH/5 Conservation Areas
 TR/1 Planning for More Sustainable Travel
 TR/2 Car and Cycle Parking Standards
 TR/3 Mitigating Travel Impact
 TR/4 – Non-motorised Transport

10. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*
 Open Space in New Developments SPD - Adopted January 2009
 Affordable Housing SPD - Adopted March 2010
 Listed Buildings SPD – Adopted July 2009
 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
 Health Impact Assessment – Adopted March 2011

11. *Draft Local Plan*

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/10 Group Villages
 S/12 Phasing, Delivering and Monitoring
 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
 HQ/1 Design Principles
 HQ/2 Public Art and New Development
 NH/2 Protecting and Enhancing Landscape Character
 NH/3 Protecting Agricultural Land

NH/4 Biodiversity
NH/6 Green Infrastructure
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
T/I Parking provision

Consultation

12. **Foxton Parish Council** - objects strenuously to this application, and recommends that it be refused
13. 'By way of context, the Parish Council note:-
14. This is a resubmitted proposal intended to address the reasons for refusal of application S/2822/14/OL (which was for 'up to 95 houses')
15. The proposal is in outline only, and so to some extent the detailed design (apart from the access) and numbers might be controlled by condition (but it is felt that this would not mitigate the significant harm that would result from the proposal)
16. The proposal is founded on the alleged absence of a five year supply of housing land in South Cambridgeshire, with the corollary that if a five year supply could be demonstrated then the proposal has no merit; and
17. In any event, the Parish Council are of the view that even if there was a shortfall in the five year supply, the adverse impacts of the proposal so significantly and demonstrably outweigh the alleged benefits that the application should be refused.
18. In this context, Foxton Parish Council object to the resubmitted application S/2580/15/OL on the following grounds:
19. The adverse visual impact of the scheme, including the impact on the landscape, the wider setting of the village and a nearby designated heritage asset;
20. The adverse impact on the character of the village;
21. The adverse impact on the existing community at Foxton, including (but not limited to) the impact on community infrastructure and services; and
22. The location and proposed layout of the scheme, separated from the village by an area of open space artificially located because of the adjacent designated heritage asset, which only serves to accentuate its isolation from the remainder of the village.
23. To explain these points further:
24. Foxton has historically been designated as a 'Group Village' for many decades, allowing small developments of up to 8 dwellings (or exceptionally 15). The character and appearance of the village, and its level of service provision has been driven by this designation. The application completely disregards this designation and as a corollary represents bad planning. The development plan did not identify this site as a development option for good reasons, and it is noteworthy that not only was it not part

of the stalled emerging Local Plan, neither was it put forward by the landowner in the relatively recent call for sites.

25. The application site is rated a grade 2 BMZ (Best and Most Versatile) agricultural land, and has historical and archaeological significance. The pasture survives from early medieval times, and would be lost if the development were to proceed.
26. A major part of the application site provides the setting of the Grade II Listed Building of Foxton House, and has done so since it was built in 1825. Despite the proposed area of open space, the scale of development would harm the setting of Foxton House, which is important due to the quality of its architecture and surrounding landscape, and historic connections relevant to the development and history of the village. The proposed development would fail to observe S.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 112, 133 and 134 of National Planning Policy Framework, and Development Control Policies CH/1, CH/4 and DP/7.
27. The impact and scale of the development proposed would be incongruous, and would significantly harm the village landscape character of the approach to the village from Shepreth. The Shepreth Road is ancient thoroughfare with wide grass verges and an absence of road kerbs, which is appropriate for this small ancient village. Equally, the proposal will adversely affect the visual separation and scale of buffer zone of the village from the A10 highway, which is also appropriately sized, visually satisfactory and something to aspire to in terms of the quality of the visual environment and landscape.
28. The impact of a development of 76 new dwellings (representing an increase of approximately 17% in the size of the village) would overwhelm the character of this small, historic village settlement. Foxton's status as a group village means that it can grow organically (as it has done over hundreds of years) and small developments can be carefully planned to maintain the character of the village.
29. The impact of such a large development would be seen in the following ways:
30. The increase in traffic will cause problems at the exits from the village onto the A10.
31. The school has space for 18 extra children, and these spaces will be taken up by development already taking place in the village, (likely to result in up to 20 children of primary school age). The development on Shepreth Road is likely to result in additional children, for which the school would need to build two new classrooms. The proposed S106 monies for this development would not even cover a single classroom at the school, and the County Council would need to find additional funding of £19,000 per child.
32. Local doctors' surgeries and NHS dentist are effectively full, and could not cope with any increase in demand.
33. Foxton has an identified need for affordable housing (understood to be approximately 20-25). However, planning permission has already been granted for 39 new dwellings (of which 23 are affordable, 15 of these being social housing for rent). This meets the identified local need (and also demonstrates that the village is not against development per se, and is happy to accept appropriate small-scale planned growth.
34. The application simply does not offer any solutions to infrastructure issues. There are several large planning applications in nearby villages, and taken together these would

have a huge impact on the local infrastructure. Since all of these applications are on unallocated sites and outside of the Local Plan process, the County Council has no planned expenditure (available or already allocated) to provide for necessary improvements to infrastructure that speculative applications for developments such as these would generate.

35. It is fundamentally wrong in land use planning terms to promote or permit a development of this magnitude in such a small historic village, with limited local services and infrastructure, which would overwhelm the local community; it should be refused for the reasons set out above.'
36. **Cambridgeshire County Council Highways Development Control** – has no objection to the proposed access. It requests conditions relating to kerb radii, access construction, traffic management plan, a footpath link on Shepreth Road, and the provision of a 3.5m wide cycle route from the site to Foxton Railway Station on the south-eastern side of the A10, and that at least one uncontrolled crossing point is provided on the A10 which is suitable for both pedestrians and cyclists.
37. It states that it would welcome the reduction in speed limit to be extended to encompass the development, but as it cannot be guaranteed that the speed limit will be lowered to 30mph as stated on the submitted drawing as this would also need to be reflected in an active frontage of the development. Otherwise there is a strong possibility that the extended speed limit will not be adhered to.
38. The Highway Authority has severe reservations with regards to connectivity within the site as shown on the indicative master plan. The Highway Authority has a hierarchy which places pedestrians at the top of that hierarchy, and this has not been addressed within the submitted drawing. It strongly recommends that the applicant engages with the SCDC Urban Design Team and Highway Authority to progress a more suitable internal arrangement.
39. **Cambridgeshire County Council Transport Assessment Team** – states that having reviewed the information submitted in support of the application, it raises no objection to the application subject to the following being secured through a Section 106 Agreement or condition.
40. A pedestrian/cycle path from the development northern access of Foxton Station on the development side of the A10 should be provided by the developer prior to occupation of the site, and should meet design standards.
41. The developer should carry out the installation of the bus stops at the frontage of the development prior to occupation of the development. The design of the bus stop should include raised kerb, bus shelter and real time information. The design and maintenance amount of the bus stop should be agreed with the County Council, SCDC and the Parish Council. The improvements to the bus stop should be completed prior to occupation of the development.
42. Cycle parking should be provided by the applicant at or close to Foxton Station prior to occupation. The design, provision and location should be agreed with the Council.
43. The Travel Plan should be provided to the County Council for agreement prior to occupation of the development.
44. **SCDC Historic Buildings** has commented as follows:

45. *General Comments*

46. *Development affecting existing buildings*

47. In addition to the general starting point of any planning application being consideration in the light of the proposed development on the surrounding area, Local Planning Authorities (LPAs) have a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 S66.1 when considering whether to grant planning permission for development which affects a listed building or its setting to have a special regard to the desirability of preserving listed buildings, their special features and their setting, with the latter often an essential ingredient of its character.

48. This duty is additional to the general duty under TCPA 1990 S70 to “*have regard to the development plan, so far as material to the application, and to other material considerations*”. The duty under P(LBCA)A 1990, S70 is, strictly speaking, second to the duty to have regard to the plan but since most local plans contain a policy drafted in similar terms to S72, this may be of no great consequence.

49. Since it is very difficult to draw out any general rules about the way in which development may be considered to affect the setting of a listed building, each case will present individual circumstances and reference is often necessary to relevant case law from planning appeals, judicial reviews and referral to the Court of Appeal. In some cases, (such as this) setting can only be defined by an assessment of the history of the surroundings. The same can be said for the territorial extent of the curtilage which “*will depend on the facts of the individual case and the circumstances of the particular site*”.

50. Previous case law has established that affect had to mean “*materially affect*” and noted that the words used in the legislation are not “*substantially affect*”. In some cases the splendour of setting is derived from the absence of other buildings thereby preventing a modest additional two dwellings whilst an example where an open prospect could be retained in the direction of the only viewpoint, the setting was preserved as a dwelling allowed.

51. In addition, it has been held that in considering the setting of a listed building, it is proper to have regard to the view from the building towards the proposed development, from the proposed development towards the building or from any relevant view from the side (that is, presumably, any point from which it is possible to see both the building and the proposed development). In particular, it is noted that the setting of a building, as thus defined, is likely to be considerably more extensive than its curtilage. In turn the extent of the curtilage in the planning Acts is acknowledged to be “*quintessentially a matter of fact*” based primarily on:

52. (i) the physical “*layout*” of the listed building and the structure;
(ii) their ownership, past and present; and
(iii) their use or function, past and present.

53. Though it is allowable for inspectors, in appropriate cases, to consider historical evidence where it assists the determination of a present curtilage boundary, there is an argument that more weight should be given to historical association and proximity and less attention paid to title and division of ownership, as otherwise listed building control could easily be evaded by colourable transfers of title. Clearly not all the land in the same ownership as the principal building will necessarily be included but equally some land in separate ownership may be included.

Consultation response

54. The application site is adjacent to Foxton House, a Grade II Listed house built in 1825 for William Hurrell, who had increased his landownership from 9 acres in 1775 to 25 in 1830; this increased with the Enclosure Act of 1826 when he was allocated a further 350 acres in the northwest of the parish, including the parkland setting of his home and covered the area between High Street/Shepreth Road and the Portway (A10) from Stockers Lane to Foxton Bottom as shown on the conveyance plan of 8th July 1918, when Dr. Briggs, the then owner sold off Foxton House, its outbuildings and gardens but retained the parkland pasture, which is thought to survive from medieval times. The house was extended later in C19.
55. In accordance with established and recent case law, the Consultancy takes the view that the house, remaining ancillary outbuildings (including the recently unearthed subterranean ice house) together with the formal gardens are regarded as the extent of the listing. However, the setting is taken to include the historically associated parkland established from pasture land in conjunction with the erection of the house.
56. Taking special regard of this, any development on the land would harm the setting. The application seeks to promote the view that the land has been amended in its agricultural use for at least a century to such a degree that the original setting no longer exists and that there is little inter-visibility between the application and Foxton House and its grounds.
57. Reference to a 1901 six inch County series map together with aerial photographs taken in 1945 and 1969 held in the County Records office clearly refute this belief. In addition, an on-site inspection shows that the application site can be seen from Foxton House and grounds beneath the canopy of the boundary trees, limited views of the Foxton House can be seen from the application site and at some points within the application site, the proposed dwellings would be seen in relation to Foxton House particularly during winter months when the tree cover is minimal.
58. Consequently it is believed that the setting would be compromised by the proposal and is a valid reason for recommending refusal of the application.

SCDC Urban Design

Summary

59. The applicant's '*Design and Access Statement*' (DAS) (October 2015) contains a site analysis, an assessment of the existing settlement pattern and character, a landscape and visual appraisal and reference to the relevant planning and design policies and urban design principles. However, it is still not clear how the information contained in the DAS has informed the proposed '*development framework*'. Notwithstanding the fact that the current application is for a reduced number of dwellings, it does not adequately address the issues raised in an earlier planning application for up to 95 dwellings (S/2822/14/OL) relating to the urban grain of the scheme; its relationship to the existing character of the village. It still appears to be an isolated development that fails to integrate with the existing urban fabric.

Layout and scale of development

60. The development form of Foxton village neighbouring the site is dominated by detached buildings in large plots. The proposed layout (shown in the illustrative masterplan - Figure 15 of the DAS) shows a dense 'urban grain'. The proposed layout

appears generic and fails to demonstrate a relevance to Foxton.

61. Whilst I do not object to the concept of creating a larger separation space between Foxton House and the proposed dwellings to the SE edge of the application boundary, and the introduction of lower density dwellings built edge to the south of the site, the proposed layout does not integrate well with the existing urban fabric and appears to be a 'standalone' development.
62. Whilst the principle of increasing the provision of green space from 2.64 ha to 3.72 ha is supported, the relocation of the public open space, which was centrally located in the previous planning application, would exacerbate the dense urban grain concern as the density in the current proposal remains at 28 dph. Furthermore, as a result of the additional separation distance between the site and Foxton House, leads to a development which gives even more of an impression of a 'standalone' development.

Building for Life (BfL) assessment

63. Chapter 5 of the DAS includes the results of a BfL assessment conducted by the applicant. Whilst the rationale of referring to the 12 BfL urban design criteria when designing the scheme is supported, it is considered inappropriate to assign scores to the criteria since the application is currently at outline stage given that only limited information concerning the development is available at present.

Other issues

64. It is disappointing that the applicant fails to engage Officers prior to the submission of the current planning application. It is recommended that the applicant engage with the Council's Consultancy Unit at pre-application stage to ensure that development proposals of this scale are developed through a collaboratively approach through its Design Workshop and Design Enabling services.

Conclusion

65. The proposed layout fails to address the urban design issues raised in the previous planning application concerning the lack of integration with existing urban fabric and the lack of connection with Foxton village. Therefore the proposed scheme is not considered to comply with DP/2 (Design of New Development) and DP/3 (Development Criteria) of the SCDC Development Control Policies DPD (2007) from an urban design perspective and it is recommended that the application be refused.

SCDC Landscape Officer

66. Comments that the main landscape issues to be considered are:
67.
 - a) The effect of the development on the character and appearance of the area
 - b) The visual effects of the development

'Introduction of new features

68. The features that will be introduced include up to 76 residential dwellings (including 40% affordable housing), demolition of existing outbuildings, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Shepreth Road and associated ancillary works.

Landscape effects

69. As part of the application documents the applicant has submitted a drawing Development Framework 6417-L-01. As indicated by the applicant all boundary trees, hedgerows and trees of landscape interest are to be retained. No key characteristics, individual elements or features are to be removed. The site is relatively enclosed. I agree with the applicant that there would be negligible effects on the wider and local landscape character areas.

Visual effects

70. The applicant has undertaken a number of viewpoints around the site. I agree with their findings that the site is relatively contained in visual terms by the existing tree belt and boundary hedgerows. There are however, views into the site from Shepreth Road, Foxton House and 4no. dwellings located upon Shepreth Road.

Mitigation Works

71. The applicant has indicated new and strengthened boundary hedgerows, new green infrastructure, tree and orchard planting to the south / south east of the site. The development will also be set back along this boundary and future views will be filtered.

Summary

72. In principle, I would have no objection with a development upon this site. I agree with the applicant that there would be limited landscape and visual effects. I also welcome the following landscape considerations made by the applicant:
- 52% of the total area dedicated to landscape public open space play and habitat related purposes.
 - Retention of existing tree belt and boundary hedgerows
 - New green infrastructure, meadow, amenity grassland tree and orchard planting
- Strengthening the western boundary with a landscaped buffer edge.'
73. **SCDC Trees Officer** – 'This submission represents an improvement over the previous application. I understand there remains a strong opposition to the proposals in respect of the historic context and despite my agreement with the arguments of Conservation Officers I have to confine my comments to that of the arboricultural impact of the proposal and the effect on amenity provided by the existing trees.
74. Matters of proposed landscaping need to be considered alongside concerns about the historic context, but again I will restrict these comments to existing tree stock.
75. The arboricultural assessment of FCPR dated October 2015 provided with the application is of good quality and is clear. Because this is an outline application the report cannot consider details such as that of the location of tree protective barriers etc because there is no detailed layout to comment upon at this stage. However, I am satisfied that the report adequately addresses the matters to hand. I discovered one critical typographical error at paragraph 5.22 in which the word 'meeting' has been omitted. It is important that this be rectified for the sake of completeness and correctness.
76. Purely from an arboricultural perspective I have no strong objections to the principle of this development as I believe it can be implemented without causing unacceptable

harm to retained existing trees provided the arboriculturalist's advice is followed.

77. Should this outline be approved, a following full or reserved matters application will need to be accompanied by an updated arboricultural assessment with tree protection plan.
78. **Cambridgeshire County Council Education** – states that the development is expected to generate a net increase of 12 early years aged children, and that there is sufficient capacity in the area in the next 5 years to accommodate the places generated by the development. Therefore no early years contribution is sought.
79. Foxtton Primary School currently has insufficient capacity over the next 5 years to accommodate the primary school places that would be generated by net increase of 27 spaces that would need to be provided to serve the development. It has identified a project for the expansion of the school by an additional classroom (30 places), which has a cost of £650,000. Contributions are sought on the basis of £21,666.66 per place. Therefore a contribution of £584,999.82 is sought. It confirms that there have not been 5 or more contributions pooled towards this project.
80. There is sufficient capacity at Melbourn Village College over the next five years to accommodate the places generated by this development, and therefore no secondary school contribution is sought.
81. **Cambridgeshire Archaeology** – states that it previously advised in respect of application S/2822/14/OL that the site is located in a landscape of high archaeological potential, with evidence for prehistoric, Roman, Saxon and medieval activity in the vicinity. Subsequent to this advice the applicant commissioned an archaeological evaluation, the results of which indicate that significant evidence for prehistoric activity survive in the area including a probable burial monument of Bronze Age date and evidence for possible domestic structures of similar date.
82. Although it considers the preservation of these significant archaeological assets in situ would be preferable, it can see no scope for this within the development proposals. In this case it considers the excavation, recording and publication of the results to be an acceptable alternative mitigation strategy. Consequently it does not object to the application subject to the inclusion of condition requiring the submission of a written scheme of investigation, and its subsequent implementation.
83. **Cambridgeshire County Council Minerals and Waste** – no comments received in respect of the current application. However it previously sought to secure a Construction Method Statement, Construction Environmental Management Plan (CEMP) and related waste audit by condition, to be assessed at the reserved matter stage.
84. It commented that the site was located within a mineral safeguarding area (MSA), and the inclusion of a minerals assessment for consideration was welcomed. The conclusions of the assessment were accepted and there was no objection to the loss of land within the MSA.
85. The need for recycling facilities and a contribution to the Household Recycling Centre service must be considered as part of the RECAP Tool Kit and Contributions Assessment that will need to be submitted at the reserved matters stage. This can be secured by condition.
86. **Cambridgeshire County Council Floods and Water** – states that as Lead Local

Flood Authority it has no objection to the application in principle subject to conditions.

87. It states that the Flood Risk Assessment demonstrates that an acceptable surface water drainage scheme can be provided on the site using a variety of SuDS features. It is pleased to see that the proposals incorporate the SuDS management plan and would support the use of infiltration as a means of surface water disposal.
88. **Cambridgeshire County Council Libraries and Lifelong Learning** – The proposed increase in population from this development will put significant pressure on the library and lifelong learning service in the village, which is currently served by 3 mobile library stops. Its proposed solution would be to enhance the existing mobile stops to serve the residents of this new development. A contribution of £5,494.80 is sought. It confirms that there are not 5 signed S106 agreements in place for this project.
89. **Environment Agency** – no objections in respect of groundwater and contaminated land subject to conditions, and foul water drainage.
90. In respect of foul water drainage it comments that the sewage treatment works (STW) at Foxton is overloaded and in breach of discharge permit conditions. The increased discharge from the STW is likely to cause failure of the statutory water quality objectives if this development is occupied ahead of improvement or extension of the existing system.
91. At present Anglian Water, the sewerage undertaker, does not have programmed improvement measures to prevent the detrimental impact to surface water quality, however it has confirmed that a satisfactory programme of improvements can be put in place to mitigate the impact on river quality, and this could happen within the lifetime of the planning permission.
93. **Anglian Water** – The foul drainage from this development is in the catchment area of Foxton Recycling Centre, which currently does not have capacity to treat the flows from the development site. Anglian Water is obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted.
94. The sewerage system at present has capacity for these flows.
95. If planning consent is granted a condition is included so that no development commences until a wastewater strategy has been submitted and approved, and that no dwelling is occupied until the works have been carried out in accordance with the approved strategy.
96. **Environmental Health (Contaminated Land Officer)** – The site contains agricultural buildings and is for a sensitive end use. The site is within an area known to have used Asbestos Containing Materials as hardcore on tracks and farmyards, provided by a nearby asbestos cement board manufacturing site. The recommendation of the report submitted with the application that further investigation is supported, although asbestos in soils, particularly within the farmyard, should also be assessed.
97. The above can be controlled through a condition requiring further investigation prior to the commencement of development.
98. **Environmental Health Officer** – Requests conditions in respect of hours of operation of power driven machinery during the period of construction, noise attenuation

measures for the new properties, artificial lighting details, no bonfires and burning of waste during the period of construction, and the use of driven pile foundations, should be included in any consent.

99. **Housing Development Officer** – comments will be reported.
100. **NHS Property Services** – comments will be reported. It previously pointed out that both Melbourn and Harston surgeries were significantly undersized for their current list sizes.
101. It commented that both Practices were developing plans to extend their premises and submit suitable business cases for approval to NHS England. The additional capacity is to provide services to for the increased population arising from the current permissions or known applications. It is not yet known how much additional space can be provided, nor an estimated cost, but it is likely that both buildings will still be undersized for their expanded list sizes.
102. It previously sought a contribution of £635 per dwelling, index-linked.
103. **Network Rail** – has no objection
104. **Environmental Health (Public Health Specialist)** – comments will be reported.

Representations

105. 11 letters have been received objecting to the application on the following grounds:
 - i. Outside village framework – does not comply with Local Plan
 - ii. Scale and size of development too large for Foxton, and will spoil the integrity and character of a small South Cambridgeshire village, which is classed as a Group Village.
 - iii. Adverse impact on the setting of Foxton House, a Grade II listed building. The significance of the building and impact are considered to be significantly understated in the application, which are locally considered to be substantial. Development will be on land which formerly comprised part of the grounds of Foxton House. 'Intervisibility' of Foxton House should be increased not harmed.
 - iv. Adverse impact on adjacent Conservation Area.
 - v. Although Foxton benefits from good public transport links the road network will be adversely affected by increase in cars on the A10.
 - vi. Junctions from Foxton with A10 at Station Road, and Shepreth Road are already dangerous, and there have been several serious accidents. Eventual replacement of level crossing will result intermittent breaks in traffic will vanish.
 - vii. Area around the shop and junction between High Street and Station Road frequently get congested already. There is already a parking problem in Station Road and High Street.
 - viii. Primary school near capacity – would not cope with increased number of pupils
 - ix. Health (Melbourn and Harston) and dental facilities already full to capacity, despite applicant's claim to the contrary.
 - x. Sewer and surface water drainage services wholly inadequate for this size of development.
 - xi. Speculative application and there is no provision in the local budget for any infrastructure, health or education improvements that will be required, particularly when assessing cumulative impact of other large developments

- xii. proposed in Melbourn and Barrington.
 - xiii. Village currently benefits from a buffer zone between the A10 and residential properties, of which this site is an essential part.
 - xiv. Adverse impact on wildlife. Site is important habitat for some rare species.
 - xv. Loss of residential amenity to adjoining residents.
 - xvi. Development not sustainable.
 - xvii. Impact of construction traffic.
 - xviii. Owner has recently uprooted all the new trees planted on the site in recent years, and moved them to the northern site boundary. Many may not survive as they were of substantial size.
 - xix. Foxton is an ancient village that benefits from westerly approach views that have changed little in hundreds of years. The fields along the Shepreth Road and the A10 form a precious envelope encasing and protecting the special environment of the village.
 - xx. Given the delay in providing a long-term solution to the level crossing at Foxton. No substantial housing development with its associated increase in traffic should be permitted until a satisfactory and safe solution is found.
 - xxi. Design is such that the development would be isolated, with no inducement to integrate with the existing community.
 - xxii. Supporting documents contain a number of errors including the walking distances to local amenities, and ignoring Foxton's playgroup, which leads to doubt about the accuracy of the remainder of the data.
106. One letter has been received in support of the application from the occupier of 16 Shepreth Road, commenting that the village is well suited to sympathetic and well planned expansion. The proposed development fits this criteria, and addresses the previous reasons for refusal through a reduction in the number of dwellings and the provision of different density character areas, with an increase in the amount of open space and landscaping adjacent to Foxton House. It makes provision for suitable travel by sustainable means, and the site has been well chosen in relation to the village and its services. It will help meet the demand for housing in the area, and would deliver 40% affordable housing.

Site and Proposal

107. The site comprises 5.7 hectares of land on the south west side of Foxton. The site is bounded on the north west side by the A10, with the majority of this boundary comprising a planting belt, which is the subject of a Tree Preservation Order.
108. The site is largely open, but contains a group of barns and concrete hardstanding close to the south west boundary. To the south west of the site is agricultural land, with the south west boundary being currently undefined, extending into what is currently an open field.
109. To the south east the site adjoins the rear of residential properties on Shepreth Road, including at its north east end, the grounds of Foxton House, a Grade II listed building. A line of beech trees has recently been planted close to the boundary with the paddock land associated with Foxton House. To the north east the site adjoins paddock land to the rear of the Burlington Press site in Station Road.
110. The outline application, with all matters reserved with the exception of access, proposes development of the site by up to 76 dwellings, and associated public open space. Vehicular access is proposed onto Shepreth Road at the south west end of the site. The scheme includes a pedestrian access to Royston Road, in the north east corner, and the provision of a new footpath/cycleway on the south side of Royston

Road from that point to Station Road.

111. The application includes an illustrative masterplan, which includes 3.27ha of public open space, located on the south east side of the site
112. The application is accompanied by a Planning Statement, Design and Access Statement, Landscape and Visual Assessment, Transport Assessment, Travel Plan, Ecological Report, Arboricultural Report, Phase 1 Site Investigation Report, Flood Risk Assessment, Heritage Assessment, Archaeological Assessment, Noise Assessment, Statement of Community Involvement, Sustainability Appraisal, Socio-Economic Sustainability Assessment, Foul Drainage Report and Minerals Assessment Report.

Planning Assessment

113. *Housing Land Supply*
114. The National Planning Policy Framework (2012) (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.
115. On the 25 June 2014 in two appeal decisions for sites in Waterbeach the Inspector 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 Housing 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 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. Those 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 development in villages). The Inspector did not have to consider policies ST/6 and ST/7 but as a logical consequence of the decision these should also be policies "for the supply of housing".
116. Where this is the case, paragraph 14 of the NPPF states that 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 (which includes land designated as Green Belt in adopted plans).
117. *Principle of development*
118. The site is located outside the Foxton village framework and in the countryside where Policy DP/7 of the LDF and Policy S/7 of the Draft Local Plan states that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. The erection of a residential development of up to 76 dwellings would therefore not under normal circumstances be considered acceptable in principle. However, this policy is

considered out of date due to the current lack of a 5 year housing land supply.

119. Foxton is identified as a Group Village under Policy ST/6 of the LDF and Policy S/8 of the Draft Local Plan. These are generally less sustainable settlements than Rural Centres and Minor Rural Centres, having fewer services and facilities and allowing some of the day-to-day needs of residents to be met without the need to travel outside the village. Development in Group Villages is normally limited to schemes of up to 8 dwellings, or in exceptional cases 15, where development would make best use of a single brownfield site. However, this policy is considered out of date due to the current lack of a 5 year housing land supply.
120. *Deliverability*
121. The applicant has stated that following the granting of consent the site would be marketed immediately, and sold as expeditiously as possible to one or more house builders who would submit the requisite reserved matters applications. The application states that there are no technical constraints to the site's delivery and that the site is demonstrably suitable, available and achievable, and therefore wholly deliverable in the short term. It is stated that it is likely, subject to market conditions, on average around 25 to 35 market dwellings would be completed per annum and that the site would take around 3 to 4 years to complete.
122. Officers are of the view that the applicant has demonstrated that the site can be delivered within a timescale whereby significant weight can be given to the contribution the proposal could make to the 5 year housing land supply.
123. *Sustainability of development*
124. The NPPF states that there are 3 dimensions to sustainable development, economic, social and environmental. The aspects are considered in the assessment of highlighted issues below.
125. *Provision of new housing*
126. The development would provide a clear benefit in helping to meet the current shortfall in South Cambridgeshire through delivering up to 76 residential dwellings. 40% of these units will be affordable (31 units). The applicant indicates that the mix of housing will be in accord with Policy HG/2. The affordable housing can be secured through a Section 106 Agreement. Officers are of the view the provision of up to 76 houses is a benefit and significant weight should be attributed this in the decision making process.
127. Public open space is shown on the indicative layout plan, and these will need to be secured through a Section 106 agreement, along with appropriate off-site and maintenance contributions.
128. *Impact on character of the village and landscape*
129. The application proposes new housing at a density of approximately 28 dwellings per hectare. The density of surrounding development is relatively low.
130. The surrounding area is characterised by detached buildings in large plots, with Foxton House being one example of this. The south west end of Foxton, and on the north side of Shepreth Road in particular retains a very rural character at the edge of the village and Conservation Area.

131. The concerns regarding the location, scale, density of the proposed development, and how this relates to the location of the site, existing character of the village, the adjacent conservation area and Foxtton House, have been fully set out earlier in the report in the comments of the Urban Design Team in paragraphs 59-65 above, and have therefore not been rehearsed again in detail in this section of the report. Reference to this aspect of the development has also been made in the comments of Foxtton Parish Council, and local residents.
132. Paragraph 58 of the NPPF states that it should be ensured that developments respond to local character, and history, and reflect the identity of local surroundings and materials.
133. Policy DP/2 of the LDF states that all new developments should preserve or enhance the character of the local area; conserve or enhance important environmental assets of the site; and be compatible with its location in terms of scale, mass and form.
134. Policy DP/3 of the LDF states that planning permission will not be granted where the proposed development would, amongst other criteria, have an unacceptable adverse on village character, the countryside and landscape character.
135. Officers are of the view that the development proposed is alien to the existing pattern and character of development at this end of Foxtton village and as a result will cause significant and demonstrably harm to the current rural character of this part of the village and the adjacent conservation area. In providing a greater separation of the proposed built development from the boundary of Foxtton House, the application has exacerbated the previous concerns regarding the development being out of character with the existing pattern and character of development, and results in a standalone form of development.
136. The site benefits from existing screening to the A10 boundary, although at certain times of the year the proposed development will be able to be viewed, and new/reinforced planting is proposed on other boundaries. However, officers are of the view that this will not adequately mitigate the adverse impacts referred to above, and earlier in this report. In addition to the new buildings proposed, the impact would include the introduction of substantial amounts of additional lighting, in the form of street lighting, and internal and external lighting to dwellings, features which are currently not present within the site. This would further add to the adverse impact of the proposed development.
137. *Heritage Assets*
138. The concerns of the Historic Buildings Officer have been fully rehearsed in paragraphs 44-58 above, and again are not rehearsed in detail in this section of the report. Reference to this aspect of the development has also been made in the comments of the Urban Design Officer, Foxtton Parish Council, and local residents.
139. The need to have special regard to the desirability of preserving listed buildings, their special features and their setting, with the latter often an essential ingredient of its character, is stressed by the Historic Buildings Officer.
140. The revised application has sought to address the previous concerns regarding the impact of the proposed development on the setting of Foxtton House by providing greater physical separation between it and the new built development.

141. Paragraph 128 of the NPPF states that in determining applications Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This assessment should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
142. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
143. Officers have identified that the degree of harm to the setting of Foxtton House is considered to be less than substantial. Having considered the case made by the applicant officers are of the view that the public benefits, in terms of affordable housing and contribution towards the 5 year housing land supply, do not significantly and demonstrably outweigh the harm that would be caused by the permanent destruction of the setting of a finite heritage resource.
144. Although the application is in outline only, the illustrative masterplan clearly indicates that development would still be too close to the listed building, with the developed area coming to within 50 metres of the boundary, and that the scale of development proposed cannot be accommodated without harming the setting of Foxtton House.
145. Cambridgeshire Archaeology is content that a scheme for further archaeological investigation can be secured by condition.
146. *Services and Facilities*
147. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas advising '*housing should be located where it will enhance or maintain the vitality of rural communities*', and recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.
148. Foxtton village is served by relatively few services and facilities but including a Primary School, Public House, Church, Village Hall, shop and some formal sporting facilities, along with an extensive area of public open space. There are no further retail facilities such as a bakery, butchers, pharmacy or hairdressers and residents are required to commute outside the village to access these day-to-day services. There are employment opportunities within the village, mainly along Station Road.
149. This relative lack of services is reflected in Foxtton being designed a 'Group Village' on the Core Strategy settlement hierarchy. Group villages are described as '*generally less sustainable locations for new development than Rural Centres and Minor Rural Centres, having fewer services and facilities allowing only some of the basic day-to-day requirements of their residents to be met without the need to travel outside the village*', and new housing proposals are restricted to limited development which will help maintain remaining services and facilities.
150. Pedestrian access to all services and facilities, with the exception of the railway station will be via the new site access from Shepreth Road. As a result residents of properties at the eastern end of the site (based on the illustrative layout plan), would be approximately 1.3km from the Primary School and recreation ground, 1.2km from the Church and 1km from the village shop and public house. For residents at the eastern end of the site this distance would reduce by 0.2km.

151. A footpath link will be provided from the point of access along the north side of Shepreth Road to a point where pedestrians can cross to join the existing footpath on the south side of the road. Although some of the distances referred to in the paragraph above are slightly greater than the 1km recommended maximum distance for pedestrian access to facilities, officers are of the view that this is not significant in this case. A number of residents will be within the 1km recommended distance, although a greater level of connectivity from the site to the existing village would be preferable. However, the applicant does not control land needed to achieve this.
152. The railway station will be accessible by the new pedestrian/cycle link from the site to the A10, and the new route to be provided along the south side of the A10. Properties with the development site will be within 1km of the railway station. The applicant is proposing to provide additional bike boxes at Foxton station to provide facilities for the additional number of cyclists that may use the railway.
153. The development overall is considered to be located within an acceptable distance of local services such as to not dissuade residents from looking at alternative means of transport other than the private car.
154. Two additional bus stops are proposed either side of Shepreth Road, close to the junction with the new access road. Contributions to secure these, and other highway improvements referred to above, will be required by the County Council. The village benefits from an hourly bus service on a link between Royston and Cambridge until early evening, although there is no Sunday service.
155. The provision of up to 76 new houses will assist in maintaining the existing level of services offered in both Foxton and surrounding villages and some weight is given to this benefit, as per the advice of paragraph 55 of the NPPF.
156. However, the scale of development would represent a significant increase in the size of the village, which does not have a range of services and facilities new residents would be expected to use.
157. Residents living in Foxton access primary health care services at both Melbourn and Harston surgeries. The NHS has previously advised that there is no spare capacity at either surgery and requests appropriate contributions to mitigate this. Many of the representations from local residents draw attention to the difficulty in obtaining an appointment and finding parking at both surgeries.
158. Officers have previously visited both surgeries and discussed potential options to expand the practice, and whilst any future development would be subject to obtaining consent it is likely this could be achieved (without losing car parking provision) in respect of Harston, however whilst the building at Melbourn could be expanded to a limited extent, additional car parking cannot be provided.
159. However, officers are of the view that for the scale of development proposed, and given that patients would be split between the two surgeries, the needs arising from this development could be catered for. The contributions required by the NHS would be secured through a S106 Agreement, however the formal comments of the NHS on the current application are awaited.
160. The County Council requires funding for provision of additional primary school places in Foxton. This will take the form of an additional classroom. Given that the proposal is expected to generate 27 pupils of primary school age, officers consider that the request from the County Council for funding for the total cost of the provision of a new

classroom (30 pupil capacity) would be reasonable. This can be secured through a Section 106 Agreement.

161. Sufficient capacity exists at Melbourn Village College to accommodate the increased number of pupils anticipated.
162. In respect of the previous application the County Council identified a shortfall in the number of Early Years places. However, in respect of the current proposal it is satisfied that adequate capacity exists.
163. *Access and Transport*
164. The Local Highway Authority has assessed the information submitted by the applicant and has concluded that the impact of the traffic that would be generated as a result of the development, including at the junctions and areas where local concern has been expressed, is acceptable.
165. The details of access to Shepreth Road have been accepted
166. Aspects of highway improvements, such as footpaths and cycleway, and additional bus stop provision, have already been referred to under 'services and facilities' above. A Travel Plan, and Traffic Management Plan can be secured by condition or Section 106.
167. *Surface water drainage*
168. The site lies in Flood Zone 1. The Lead Local Flood Authority has not raised an objection and is of the view that surface water drainage from the site will not be an issue, subject to suitable conditions being included in any consent.
169. *Foul water drainage*
170. Anglian Water has stated although there is not currently capacity to deal with foul drainage flows from the development, it accepts that it would need to take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted. The improvements required can be secured by condition.
171. *Ecology*
172. The application is accompanied by an Ecological Report.
173. The report states that habitats within the application boundary comprised of ploughed arable field compartment, amenity grassland, semi-improved grassland, two plantation woodlands and scrub. It states that the managed semi-improved grasslands was dominated by common grass species with herb species concentrated in small patches across the grassland. Loss of these habitats would not be expected to adversely affect the local nature conservation of the area, and are therefore not considered to be a constraint to the development of the site. The report considers that any minimal impact on biodiversity could be easily compensated for within the proposed development through good design and appropriate landscaping and habitat creation.
174. Hedgerows are largely non-native, with only a small section consisting of native species and being classed as a habitat of principal importance. Proposals should enhance the value of the site through the creation of new native species hedgerows around the site, which provide continuous corridors of movement into the wider

countryside.

175. All mature trees within the site provided potential habitats for invertebrates, nesting birds and other local wildlife in addition to providing structural diversity and continuity of habitat and should be retained wherever possible. Where it is not possible to retain mature trees safely within the proposal, suitable replacement planting should be undertaken. All trees being retained should be protected from damage and soil compaction during works by maintaining fencing around Root Protection Areas.
176. Adequate bat surveys have been carried out, and low bat activity has been recorded across the site. There limited opportunities for roosts except for native trees which are currently to be retained. No badgers were recorded on the site, and there are low reptile opportunities.
177. Any conditions, should consent be granted, would bring forward the relevant parts of the Ecological Reports recommendations.
178. *Residential amenity*
179. The current high level of residential amenity and outlook from the rear of properties adjoining the site in Shepreth Road will be adversely affected by the scale of the development proposed for the application site, although the greater separation proposed to the new built development, will reduce that impact. The issues of detailed layout and design of properties would be a matter for consideration at the reserved matters stage. However, Officers are of the view that issues of direct impact on residential impact in terms of overlooking, loss of light and overshadowing, and any overbearing impact could be mitigated by appropriate layout and design.
180. The Environmental Health Officer is satisfied that the amenity of the future occupiers of new dwellings can be sufficiently protected from noise from the A10. This can be resolved at the reserved matters stage through layout and appropriate noise mitigation measures, which can be secured by condition.
181. *Loss of agricultural land*
182. Although the land is classified Grade 2 land the applicant has undertaken a survey of the site which concludes that most soils are deep well drained medium loams of variable depth over gravel. The land is of best and most versatile quality in grade 2 or sub-grade 3a. The area of the site is below that which would trigger consultation with Natural England.
183. *Renewable Energy*
184. The applicant has indicated that the scheme will comply with the need to provide renewable energy generation technology to comply with Building Regulation targets, plus the additional 10% reduction and 10% on-site energy generation targets, but has stated that this can only be resolved at the detailed stage as further design and layout information becomes available.
185. The applicant has indicated that measures such as increased insulation, reducing the effects of thermal bridging, effective air tightness, improved controlled ventilation, and energy efficient lighting will be considered in the design details.
186. Officers are of the view that this matter can be dealt with by condition, however the detailed layout and orientation of dwellings should seek to maximise energy saving

- possibilities.
187. *Other matters*
188. Matters raised concerning the need for dealing with potential contamination, and compliance with the RECAP Waste Management Design Guide can be dealt with by condition, or at the reserved matters stage.
189. *Benefits of the development*
190. The applicant sets out a number of areas where it is considered that there will be benefits as a result of the development. In respect of the housing element of the proposal these include the increased housing supply to help meet the Council's immediate housing needs; the provision of a wide choice of homes, including affordable housing; provision of public open space and children's play facilities to benefit both new and existing residents (approx. 54% of the total site area will be public open space); pedestrian link to the A10 which will also give easier access to existing residents of Shepreth Road to the A10 pedestrian/cycleway which leads to the train station; provision of new shared pedestrian/cycleway along the A10 north east to Foxtton Station; provision of bike boxes at Foxtton Station; footpath provided along the vehicular entrance to the site to provide a safe pedestrian access to the footpath on the opposite side of the road; a community orchard; and the extension of the 30 mph limit along Shepreth Road (subject to negotiations with the County Council).
191. The applicant states that the scheme has the ability to contribute to job creation through the development and investment in infrastructure. It is expected that 66 jobs will be created spread over the construction period, and would lead to an additional 72 full-time jobs in associated industries. There would be a boost to local shopping. The scheme would contribute to the New Homes Bonus.
192. The applicant considers that there will be a considerable environmental gain, with significant areas of new planting to provide green infrastructure, ecology and wildlife benefits.
193. The applicant considers that there are no adverse impacts from the housing element of the scheme that would outweigh the significant benefits that the application identifies.
194. Officers recognise that the factors outlined above need to be considered when carrying out the final assessment of whether the benefits of the development are significantly and demonstrably outweighed by any identified harm.
195. *Planning Obligations*
196. From 6 April 2015, the use of 'pooled' contributions toward infrastructure projects has been restricted. Previously, LPAs had been able to combine planning obligation contributions towards a single item or infrastructure 'pot'. However, under the Community Infrastructure Levy Regulation 123(3), LPAs are longer be able to pool more than five planning obligations together if they were entered into since 6 April 2010, and if it is for a type of infrastructure that is capable of being funded by the CIL. These restrictions apply even where an LPA does not yet have a CIL charging schedule in place.
197. The Council can confirm that there have been 5 Section 106 agreements in respect of developments in the village of Foxtton since 6 April 2010 contributing towards (i) offsite

open space and (ii) offsite indoor community space improvements. As such the CIL Regulations prevent the LPA from lawfully securing a further tariff style contributions towards unidentified offsite open space improvements in accordance with development control policies and the open space in new development SPD.

198. The LPA recognises that the Planning Practice Guidance requires that 'In all cases, including where tariff style charges are sought, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind'. It goes on to say that 'Planning obligations must be fully justified and evidenced' and as such the LPA take the view that a project should be identified in order to ensure CIL compliance.
199. The application involves significant financial contributions to be secured by way of a Section 106 Agreement, which are referred to in the report. Planning obligations which are directly relevant to the application, proportionate and absolutely necessary for the scheme to be acceptable and so meet the CIL Reg. 122 test are:
200. - Education (Foxton Primary school) where insufficient capacity is confirmed. The County Council has confirmed that there have not been 5 or more pooled contributions to this project.
- pedestrian and/or cycle links to Foxton station
 - highway improvements, bus stop improvements and
 - health care provision where over capacity is confirmed
 - Provision and maintenance of on-site open space
201. These would require significant contributions, or the provision of a new classroom and GP surgery extension, the cost of which should be met by the development.
202. Other contributions may be sought for off-site public open space, and community facilities, however no specific schemes have currently been identified against which such contributions could be considered. Therefore such contributions are not regarded as necessary to make the scheme CIL compliant and acceptable. A S106 agreement would also need to secure the provision of affordable housing, in accordance with policy.
203. An update in respect of planning obligations will be given.

Conclusion

204. In considering this application, the following relevant adopted development plan policies are to be regarded as out of date while there is no five year housing land supply
205. ST/6: Group Villages – indicative maximum scheme size of 8 dwellings
DP/7: Village Frameworks
206. This means that where planning permission is sought which would be contrary to the policies listed above, such applications must be determined against paragraph 14 of the NPPF.
207. Officers have identified in the report the areas where they consider that significant and demonstrable harm will result from proposal, in terms of the scale of development and impact on the character of this part of the village, the impact on the setting of Foxton

House, a Grade II listed building, and the policies referred to above.

208. These adverse impacts must be weighed against the potential benefits of the development outlined in the preceding section of this report.
209. In this case the adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole. The reduction in the size of the scheme from that previously refused and the greater distance afforded to Foxton House is not considered to address the previous reasons for refusal.
210. Planning permission should therefore be refused because material considerations do not clearly outweigh the substantial harm identified, and conflict with out of date policies of the LDF.

Recommendation

211. That the application is refused for the following reasons:
1. The proposed development of the site by up to 76 dwellings would, by reason of its scale and location, result in an alien form of development which would be out of character with the existing pattern and form of development. The proposal is therefore considered to be contrary to the aims of Policy DP/2 and DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, which state that planning permission will not be granted where the proposed development would have an adverse impact on village character and the countryside.
213. 2. The proposed development would, by virtue of its location (which includes land formerly within the curtilage of Foxton House), form, scale and proximity, have a significant adverse impact on the setting of Foxton House, a Grade II listed building. The proposal is therefore contrary to the aims of Policy CH/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD and the adopted Listed Buildings SPD, which seek to protect the setting of listed buildings.

Background Papers:

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Planning File Ref: S/2580/15/OL and S/2822/14/OL

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