

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

11 January 2017

AUTHOR/S: Head of Development Management

Application Number:	S/2224/16/OL
Parish(es):	Shingay cum Wendy
Proposal:	Outline planning permission for the erection of up to 10 dwellings with all matters reserved except for access.
Site address:	Monkfield Nutrition, High Street, Shingay cum Wendy SG9 0HJ
Applicant(s):	Monkfield Nutrition
Recommendation:	Delegated approval (to complete section 106 agreement)
Key material considerations:	Five year supply of housing land Principle of development Loss of employment site Density of development and affordable housing Character of the village edge and surrounding landscape Highway safety Residential amenity of neighbouring properties Surface water and foul water drainage Ecology Provision of formal and informal open space Section 106 Contributions
Committee Site Visit:	10 January 2017
Departure Application:	Yes
Presenting Officer:	David Thompson, Principal Planning Officer
Application brought to Committee because:	Approval of the planning application would represent a departure from the Local Plan
Date by which decision due:	11 January 2017 (Extension of time agreed)

Executive Summary

1. This scheme proposes the redevelopment of a brownfield site and would result in significant benefits to local residents through the replacement of a commercial use which has negative environmental impacts with residential development. The redevelopment of the site for housing would also be a social benefit within the context of the lack of a five year supply of housing. The significant amount of public open

space to be provided by the scheme is also a significant social benefit. The amended parameter plan is considered to have addressed the landscape impact and design concerns raised in relation to the original submission.

2. Initial concerns relating to the landscape impact of the scheme have been addressed by relocating the developable area towards the eastern edge of the site and the illustrative masterplan has been amended to demonstrate that 10 dwellings could be arranged in a tight linear form, which would better respect the character of surrounding development.
3. Following the receipt of additional information, none of the Council's internal consultees have recommended refusal. There are no objections to the proposals from the Highway Authority, the Flood Risk Authority or the Environment Agency. The indicative proposals are considered to demonstrate that the residential amenity of neighbouring properties would be preserved and the density of development would allow sufficient space to be retained between the buildings to preserve the residential amenity of the future occupants of the development.
4. Overall, it is considered that the significant contribution the proposal would make to the deficit in the Council's five year housing land supply and the social benefits that would result from the development outweigh the social harm resulting from the under provision of affordable housing in relation to the requirements of the LDF. None of these disbenefits are considered to result in significant and demonstrable harm and therefore, it is considered that the proposal achieves the definition of sustainable development as set out in the NPPF.

Relevant Planning History

5. S/1933/15/LD - Residential use of the flat for the occupation of 6 people (but occasionally by an additional two people) with no more than 2 people occupying each bedroom, and all of whom are employees of Monkfield Nutrition Limited - refused

S/0471/14/LD - Erection of Buildings 1, 2 and 3 (as indicated on the submitted plan) and their subsequent use for the intensive breeding, or support thereof, of insects for use as reptile feed – approved 29 September 2015.

S/2309/14/LD - Use of the site for the sale of insects, including their intensive breeding and rearing; the sale of reptiles, including their breeding and rearing; the storage and sale of frozen animal products and the storage and sale of dry goods associated with the keeping of reptiles – approved 29 September 2015 (site area covered all of the buildings in this application with the addition of a building to the east of the access road).

S/0495/14/FL - Retrospective application for the retention of building nos 4, 5 & 6, biomass boiler, solar panels and car park – refused due to the impact on highway safety and the residential amenity of neighbouring properties.

S/0224/87/F – change of agricultural store to furniture store/warehouse

6. Relevant enforcement history:

ENF/0062/16 - Church Farm Barn - Use of converted stable for multiple residential occupancy – currently at appeal following the serving of an enforcement notice alleging the unauthorised use the property for multiple residential occupation. This notice is currently the subject of an appeal.

National Guidance

7. National Planning Policy Framework 2012 (NPPF)
Planning Practice Guidance

Development Plan Policies

The extent to which any of the following policies are out of date and the weight to be attached to them is addressed later in the report.

8. **South Cambridgeshire LDF Core Strategy DPD, 2007**
ST/2 Housing Provision
ST/3 Re-Using Previously Developed Land and Buildings
ST/7 Infill Villages
9. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
CH/4 Development within the Curtilage or Setting of a Listed Building
CH/7 Important Countryside Frontages
HG/1 Housing Density
HG/2 Housing Mix
HG/3 Affordable Housing
ET/6 Loss of Rural Employment to Non-Employment Uses
NE/1 Energy Efficiency
NE/3 Renewable Energy Technologies in New Development
NE/4 Landscape Character Areas
NE/6 Biodiversity
NE/8 Groundwater
NE/9 Water and Drainage Infrastructure
NE/11 Flood Risk
NE/12 Water Conservation
NE/14 Lighting Proposals
NE/15 Noise Pollution
NE/17 Protecting High Quality Agricultural Land
CC/7 Water Quality
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk
CH/2 Archaeological Sites
SF/10 Outdoor Playspace, 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
10. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
Open Space in New Developments SPD - Adopted January 2009
Affordable Housing SPD - Adopted March 2010
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Biodiversity SPD - Adopted July 2009

11. **South Cambridgeshire Local Plan Submission - March 2014**

S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development
S/5 Provision of New Jobs and Homes
S/6 The Development Strategy to 2031
S/7 Development Frameworks
S/11 Infill Villages
HQ/1 Design Principles
H/1 Allocations for residential development at Villages (h relates to this site)
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
NH/2 Protecting and Enhancing Landscape Character
NH/3 Protecting Agricultural Land
NH/4 Biodiversity
NH/14 Heritage Assets
E/14 Loss of Employment Land to Non Employment Uses
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/9 Managing Flood Risk
SC/2 Heath Impact Assessment
SC/6 Indoor Community Facilities
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
SC/10 Lighting Proposals
SC/11 Noise Pollution
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments

Consultation

12. **Shingay-cum-Wendy Parish Meeting** – support the application (the votes split as 28 for approval, 8 for refusal and 1 for no recommendation). A summary of the meeting has been provided and the salient points are listed below:

- A proposal on the scale proposed would normally be required to provide for affordable housing.
- Some concerns expressed regarding the width of the existing access to the site, which is to remain as existing and is not considered suitable to serve a development of 10 dwellings.
- Some concern regarding the number of units – 8 was considered by some to be a more appropriate number.
- There was a debate about which objective was the highest priority either limiting the scheme to 8 dwellings or allowing a development that would facilitate the cessation of the existing use of the site.
- There was a debate around the viability issue. The company have profited from operating from the site for a number of years and therefore the cost of the relocation should not be factored in to the argument relating to the size of the scheme or affordable housing provision.

- The HGV vehicles which currently utilise the access would be replaced by smaller domestic cars and this would be a benefit of the scheme.
13. **District Council Environmental Health Officer (EHO)** – No objections to the proposals. The proposed change from the existing commercial use to a residential use on the site would not cause any issues from an environmental health perspective. Conditions relating to noise during construction and the mitigation in the event that piled foundation are to be used as the method of construction should be attached to the decision notice should planning permission be granted.
 14. **District Council Urban Design Officer** – no objection to the revisions to the indicative layout. The revised developable area has been moved eastwards and is now focussed around the south eastern corner of the overall site, resulting in a far greater buffer on the northern and western edges. The extent of the area to be developed has been reduced to 1.04 hectares (down from 1.24 originally proposed.) The housing mix indicated remains a concern however as does to the proposal to have a largely inward facing development which, although now closer to, does not interact particularly positively with the Public Right of Way.
 15. **District Council Landscape Design Officer** – The revised developable area has been moved eastwards and is now focussed around the south eastern corner of the overall site, resulting in a far greater buffer on the northern and western edges. The extent of the area to be developed has been reduced to 1.04 hectares (down from 1.24 originally proposed. This has allowed the creation of a larger area of open space on the northern and eastern fringes of the site which is considered to result in a scheme which better respects the character of the rural setting of the site.
 16. **Cambridgeshire County Council Local Highway Authority** – The access presented would not normally be considered acceptable to the Highway Authority. In this case however, the proposed 10 residential dwellings would significantly reduce the likelihood of conflict occurring. Under these circumstances the proposed development has a strong potential to improve highway safety over and above the existing situation and this renders the proposal acceptable from a highway safety point of view.
 17. **Cambridgeshire County Council Historic Environment Team (Archaeology)** – There is evidence of a deserted medieval village immediately to the north of the site, there are house platforms and ditches located to the west and earthworks to the south of the site. Vine Farm moated site and former house platforms are located to the south, with further moats to the east and west. There is also evidence of Bronze Age and Roman settlement in the vicinity of the site. As such, a standard condition requiring a scheme of investigation to be agreed and any necessary measures carried out prior to the commencement of development, to ensure that any risk to archaeology is mitigated, should be attached to the decision notice.
 18. **Cambridgeshire County Council Flood & Water Team** – no objection to the proposals. The applicant has demonstrated that surface water can be dealt with on site by using a variety of SuDS features (swales, permeable paving and attenuation basins) which will restrict surface water discharge to significantly less than the existing rates. The details of the surface water drainage strategy shall be secured by condition.
 19. **Environment Agency** – no objections to the proposals on the basis that a condition is attached to the planning permission requiring the development to be carried out in accordance with the submitted Flood Risk Assessment (FRA)

20. **Anglian Water** - No objections received, and advised –
Wastewater treatment – The foul drainage from this development is in the catchment of Foxton Water Recycling Centre, which currently does not have capacity to treat the flows from your development site. Anglian Water are obligated to accept the foul flows from your development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.
Foul Sewage Network – The sewage system at present has available capacity for these flows. If the developer wishes to connect to our sewage network they should serve notice under section 106 of the Water Industry Act 1991. We will advise them of the most suitable point of connection.
Surface Water Disposal – No objections to the proposals in terms of impact on Anglian Water infrastructure. The Lead Local Flood Risk Authority (LLFRA) should be consulted on this aspect of the proposals.
21. **Affordable Housing Officer** – confirm that there is no identified need for affordable housing within the Parish of Shingay-cum-Wendy. A commuted sum for off site provision of affordable housing should however be sought to contribute towards the District wide need to accommodate the 1,700 people on the Housing Register. This commuted sum should be the equivalent of 40% on site provision unless viability considerations suggest that a lower amount is required to ensure that the scheme remains deliverable.
22. **Section 106 Officer** – A contribution to offsite community facilities is not required but play provision should be sought either on or offsite.
23. **Cambridgeshire County Council Growth Team** –This application site falls within the catchment area for Bassingbourn Community pre-school, Primary School and Bassingbourn Village College at the secondary school level. In relation to each these services, the County Council as Education Authority confirm that there is capacity to cope with the additional pupils generated by the anticipated population of the development. As such, no financial contributions are sought in this regard as no mitigation measures are required.
24. **District Council Conservation Officer** – no objections to the proposals. The case officer has considered the impact of the proposals on the setting of the listed buildings at Porch Cottage (Grade II listed) and Glebe House (Grade II* listed) which are opposite the entrance to the site and The Grove and School House (both Grade II listed), both of which are to the east of the site. There is no objection to the proposals in this regard, a matter which is discussed in detail in the main body of the report.
25. **District Council Sustainability Officer** – it would be difficult to conclude that the proposed development is purely sustainable for the following reasons: lack of local services requiring people to travel by car to meet day to day needs and the loss of the employment site (currently employing 75 people). However, the proposed development does appear to have a number of positive benefits including overall reduced transport movements, reuse of brownfield land and reduced negative impacts compared to the existing use. The provision of more benefits than weaknesses of the proposals overall could render residential use to be more sustainable than the existing commercial premises.
26. **District Council Ecology Officer** – Initially raised a holding objection due to the lack of information regarding the suitability of the site to support otter and water vole.

Concern was expressed by the Ecology Officer that recordings have been made of these species within a tributary of the River Camb and that there was a lack of detail in this regard in the Preliminary Ecological Assessment. Following the receipt of further information, this holding objection has been withdrawn.

27. **District Council Tree Officer** – no objections raised

28. **Historic England** – no objection

29. **Definitive Map Officer** – no comments received

Representations

30. A 60 page petition and 22 letters have been submitted in support of the planning application. The letters (including on line representations) raise the following issues (summarised):

- The funding generated by the development would facilitate the relocation of a business which has expanded over the years to a point where the volume of traffic and the noise and smell associated with the use have resulted in an unacceptable impact on the amenity of neighbouring properties.
- The addition of more houses will expand the population of the village and enhance the vitality of the village and the viability of facilities such as the bus service.
- The provision of 10 dwellings on the site would address the shortage of housing in the area.
- The appeal of the existing Public Right of Way through the eastern part of the site would be enhanced by the proposal, which would replace the existing industrial operation with a low density residential scheme to include large areas of public open space in the northern and western parts of the site.
- There would be local employment opportunities at Wendy House and South Farm Ltd for residents of the scheme.
- The proposal will result in improvements in wildlife conservation and the visual amenity of the site.
- The existing recreation ground in the village has become an eyesore due to under use. The increase in the population of the village as a result of this development would improve the likelihood of this facility being used.

31. 10 letters (including representation submitted via the website) have been submitted in objection of the planning application, raising the following concerns (summarised):

- Wendy is the second smallest hamlet in South Cambridgeshire it has no facilities and no shop or a pub. It is not served by any form of public transport and has no cycle paths connecting it with a train station or sources of employment.
- Occupants of the development would be reliant on the use of the car to access facilities to meet basic day to day needs.
- The Transport Statement is considered to underestimate the number of vehicle movements that will be generated by the development.
- The proposal will result in an increase in the population of the village by 50%.
- The proposal could result in an adverse impact on the setting of Grade II listed Porch Cottage should the screening provided by the boundary hedge associated with that property be removed.
- The single track access owned by the applicant is too narrow to accommodate the proposed level of traffic to be generated by the proposed scheme. The

- visibility splays would cross land that is not within the control of the applicant.
- The proposal does not include any footpaths along the vehicular access due to the constrained area within the applicant's ownership.
- There are surface water and foul water drainage issues on the site. Part of the site is within an area at a high risk of flooding.
- Parts of the site are currently the subject of enforcement action and there is no planning permission in place to use the car park. The applicant is seeking permission for a large scale residential scheme on the back of the unauthorised development of the site in an unsustainable location.
- The proposal to replace the adverse impact of the current commercial use with a housing estate will not provide any significant benefits to the village.
- The applicant has declared that they need to make a substantial profit from the scheme in order to subsidise their move to Mepal. The justification for this is based on the development of an intolerable environment created by the current use but the location is considered unsustainable for residential development.
- There should be a range of property types and sizes included within the development, not just executive homes. The latter will create a dormitory development for commuters to Cambridge as opposed to representing sustainable development.
- Low cost housing should be included to ensure that a range of people live on the development and contribute to the community.

Site and Surroundings

32. The application site is a collection of buildings located to the north of the village of Wendy, which forms part of the Parish of Shingay-cum-Wendy. Access to the site leads from Flecks Lane to the south, to the east of a linear row of residential properties. The buildings form the premises of Monkfield Nutrition Ltd which intensively breeds and rears insects and reptiles for sale and the sale of frozen animal by-products as reptile food. The company employs 95 people, 75 of these are based at the application site. The footprint of the buildings that can be included within the lawful use of the site as a reptile breeding business cover an area of 0.42 hectares (4,158 square metres). This excludes buildings 4, 5 and 6, the solar panels and the car parking area. North Ditch runs adjacent to the north western and western boundaries of the site. Land adjacent to this ditch is within flood zone 3b.

Proposal

33. The proposal seeks outline planning permission for the erection of up to 10 dwellings with all matters reserved with the exception of the means of access. The indicative footprint of the dwellings would cover an area of 3,027 square metres. The developable area (inclusive of the curtilage of the properties) in the revised scheme is 1.04 hectares.

Planning Assessment

34. The key issues to be assessed in the determination of this planning application in relation to the principle of development are considered to be the implications of the lack of a five year housing land supply in the District, the loss of an established employment site and the sustainability implications of the redevelopment of the site for housing. The impact of the density and positioning of development on the character of the village edge and surrounding landscape and the implications of the scheme in relation of highway safety, the residential amenity of neighbouring properties, surface water and foul water drainage and ecology also need to be considered. The provision of formal and informal open space within the scheme and any additional

measures to be covered by Section 106 contributions are also key considerations.

Principle of Development

Five year housing land supply:

35. The National Planning Policy Framework (NPPF) requires councils to boost significantly the supply of housing and to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
36. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 3.7 year supply using the methodology identified by the Inspector in the Waterbeach appeals in 2014. This shortfall is based on an objectively assessed housing need of 19,500 homes for the period 2011 to 2031 (as identified in the Strategic Housing Market Assessment 2013 and updated by the latest update undertaken for the Council in November 2015 as part of the evidence responding to the Local Plan Inspectors' preliminary conclusions) and latest assessment of housing delivery (in the housing trajectory November 2016). In these circumstances any adopted or emerging policy which can be considered to restrict the supply of housing land is considered 'out of date' in respect of paragraph 49 of the NPPF.
37. 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".
38. Further guidance as to which policies should be considered as 'relevant policies for the supply of housing' emerged from a recent Court of Appeal decision (*Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes*). The Court defined 'relevant policies for the supply of housing' widely so not to be restricted 'merely policies in the Development Plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites,' but also to include, 'plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed.' Therefore all policies which have the potential to restrict or affect housing supply may be considered out of date in respect of the NPPF. However even where policies are considered 'out of date' for the purposes of NPPF paragraph 49, a decision maker is required to consider what (if any) weight should attach to such relevant policies, having regard to, amongst other matters, the purpose of the particular policy.
39. Where a Council cannot demonstrate a five year supply of housing land, 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.
40. 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, unless other national policies indicate an exception to this, Green Belt land is one such exception. Sustainable development is defined in paragraph 7 of the NPPF as having environmental, economic and social strands. When assessed these objectives, unless the harm arising from the proposal 'significantly and demonstrably' outweighs the benefits of the proposals, planning permission should be granted (in accordance with paragraph 14).

41. As part of the case of the applicant rests on the current five year housing land supply deficit, the developer is required to demonstrate that the dwellings would be delivered within a 5 year period. Officers are of the view that the applicant has demonstrated that the site can be delivered within a timescale whereby weight can be given to the contribution the proposal could make to the 5 year housing land supply.
42. The site is located outside the Shingay cum Wendy village framework, although adjacent to the northern boundary of the village, and in the countryside, where policy DP/7 of the LDF and Policy S/7 of the Draft Local Plan state 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 10 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 as set out above.
43. It falls to the Council as decision maker to assess the weight that should be given to the existing policy. Officers consider this assessment should, in the present application, have regard to whether the policy continues to perform a material planning objective and whether it is consistent with the policies of the NPPF.
44. Development in Infill Villages (the current and emerging status of Shingay-cum-Wendy) is normally limited under policy ST/7 to schemes of up to 2 dwellings, or in exceptional cases 8, where development would lead to the sustainable recycling of a brownfield site bringing positive overall benefit to the village. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting the scale of development in less sustainable rural settlements with a limited range of services to meet the needs of new residents in a sustainable manner.
45. This proposal would result in the redevelopment of a brownfield site but the size of the scheme would exceed the exceptional circumstance within the policy. As policy ST/7 is out of date however, there is a need to assess whether the size of the proposed development would result in harm to the objective of the policy to an extent that would outweigh the benefits of the scheme. The following paragraphs assess the implications in terms of the principle of development, all of which need to be balanced in making this judgement.

Loss of Employment site:

46. It is acknowledged that policy ET/6 specifically makes reference to the loss of employment sites within village frameworks and that this site is in the open countryside. The NPPF does however include a section on supporting a prosperous rural economy. Paragraph 28 places a requirement on Local Planning Authorities to 'promote the retention and development of local services and community facilities in villages....' Given the number of people who live in the village and are employed at the site, it is considered that the current (or future) employment use is a facility which is of economic benefit to the community.

47. The applicant has provided information relating to the marketing of the site as an employment use. The documentation confirms that the site has been marketed since February 2016 by way of an advert on Bidwell's website, mailing list and brochure. A record of interested parties has been submitted with a reason as to why each party did not pursue an offer. Of the 14 enquiries received, a number of the potential occupants would have required planning permission to change the use of the buildings away from a combined sales and storage use to a use fully within class B. Use of the site solely for B1, B2 or B8 or a combination of these would continue the intensive use of the access to the site and this is likely to involve large commercial vehicles.
48. The reasons given as a result of the unsuccessful marketing campaign are the planning sensitivities/limitations of the site and the adjacent sensitive uses, the limited nature of the farm buildings, the relatively remote location of the site and the restrictive nature of the access.
49. Given the above factors, it is considered reasonable to conclude that such uses could potentially result in the same detrimental impact on the amenity of the adjacent properties as the existing use. This is recognised within policy ET/6 which states that the redevelopment of employment sites (within village frameworks) should be resisted unless (criteria C) 'the existing use is generating environmental problems such as noise, pollution or unacceptable levels of traffic and any alternative use would continue to generate similar environmental problems.' It is considered that this proposal would accord with this criteria and that the loss of the employment site would therefore not constitute unsustainable development.

Redevelopment of a brownfield site:

50. The objective of policy ST/3 of the Core Strategy is considered to accord with the principle of paragraph the NPPF in relation to encouraging the efficient use of land and reusing land that has been previously developed. This proposal would result in the redevelopment of a brownfield site and the footprint of the proposed buildings would be significantly below the footprint of the current structures on the site which form part of the lawful use.
51. Officers consider that the redevelopment of the site for employment purposes would not be environmentally sustainable and therefore redevelopment of the site for residential use is considered to be the most viable realistic alternative.

Social Sustainability:

Affordable Housing and viability.

52. Officers have had regard to the advice in the PPG in relation to seeking contributions, including affordable housing, on schemes of 10 dwellings or less. Given the size of the dwellings proposed in the indicative mix, it is quite plausible that the footprint of the development could exceed 1000 square metres and so, depending on the detail, this element of the threshold may be breached, in which case a contribution towards affordable housing would still be required.
53. Even if the footprint of the buildings would not exceed 1000 square metres, officers consider that an affordable housing contribution should still be sought due to the need to consider the PPG and the associated Ministerial Statement as material considerations alongside the requirements of existing and emerging Local Plan policy. The District Council has successfully defended the position at appeal that the need for

affordable housing in the District (in the region of 1700 names on the Housing Register) should be given more weight as a material consideration than the PPG and Ministerial Statement, due to the extent of the local need.

54. The appeal decision at Kettle's Yard in Oakington concludes that it is insufficient to assume that the PPG and Ministerial Statement automatically carry more weight than the Local Plan in the decision making process because they are more recent. In that case, the Inspector concluded that '...I find that the Written Ministerial Statement needs to be addressed alongside local policy. The local evidence of affordable housing need is substantial and I therefore attach significant weight to this consideration.' As a point of clarification, evidence of a Parish level need was not put before the Inspector and therefore the fact that there is not an identified need specifically within Shingay-cum-Wendy does not diminish this consideration in relation to this application.
55. This approach does not rule out the possibility that viability considerations may render the provision of any affordable housing (or a percentage below the 40% required by policy) unviable – as this provision is included within the local policy. The Inspector acknowledged this in the Oakington appeal decision.
56. The draft Local Plan has been approved by Council for submission to the Planning Inspectorate for 'Examination in Public' and is therefore at an advanced stage in its preparation. In respect of unresolved objections four representations have been received on draft policy H/9, with three of these opposing the policy and the fourth supporting and offering comment. Notably all the representations consider the proposed threshold of three dwellings too low (and seek to raise this). No representations seek to maintain (or lower) the current threshold of two dwellings and as such there are no unresolved objections to this draft policy as far as it relates to this application
57. Turning to the consistency of the relevant plans with the NPPF. Although no detailed advice is provided on the threshold of affordable housing provision within the NPPF, it advises local planning authorities to approach decision-taking in a positive way to foster the delivery of sustainable development, and look for solutions and to approve applications for sustainable development where possible.
58. Officers are of the view that emerging policy H/9 should be given significant weight in the determination of this application therefore. This policy states that all developments which would provide 3 or more dwellings should make provision for 40% of the on site units to be affordable housing. There are three exceptions to this and the one that is most relevant to the determination of this application is criteria d. which states that where 'it can be demonstrated that the level of affordable housing sought would make a development unviable in light of changing market conditions, individual site circumstances and development costs (would make a scheme unviable).' The policy allows 'a revised mix of affordable house types and tenures and then a lower level of affordable housing may be negotiated.'
59. The Housing Development Officer has confirmed that there are currently no residents living within the Parish of Shingay-cum-Wendy on the Housing Needs Register. Given the relatively isolated nature of the site and the village, it is considered reasonable to conclude that the District wide need for affordable housing would be more appropriately served by affordable housing development in Bassingbourn, the closest village with a range of services to meet day to day needs. These circumstances are considered to accord with criteria f. of the policy, which states that a commuted sum of 'broadly equivalent value' to the viable level of on site provision can be sought for offsite affordable housing provision where this would better address local need.

60. The applicant has advanced a case that the proposed development would not be financially viable if any provision of on affordable housing was required as part of the development. The Viability Appraisal states that the landowner requires a capital receipt of £1.8 million from the sale of the site. This leaves a sum of £3.6 million cash injection by the applicant to facilitate the relocation. The viability report indicates that if there is a requirement to provide 40% affordable housing, the Threshold Land Value would be reduced to £1 million. With a contribution of no affordable housing at all, the report indicates that the proposed scheme would generate £1,894,335, which is 5% greater than the minimum amount required to incentivise the relocation from the site.
61. The applicant has offered a commuted sum of £70,000 and agreed to an overage clause within the Section 106 agreement which would see 20% of any amount exceeding the £1.8 million Threshold Land Value at the point of sale also being paid to the District Council as a commuted sum for the provision of offsite affordable housing.
62. Officers have calculated that, on a District wide average, one affordable plot would require a contribution of £90,000. This approach to the valuation is considered reasonable on the basis that there is not an identified need within the Parish itself. The amount being put forward by the applicant would fall some way short of 40% - which for this scheme would equate to £360,000 based on the District wide average.
63. However, the insertion of an overage clause does ensure that if a greater margin is achieved, an additional amount towards offsite affordable housing provision would be secured. The maximum amount that could be secured would be £340,000. This under provision of affordable housing does represent some harm in terms of the social sustainability of the scheme, but this must be weighed against the significant local support for the scheme in terms of the environmental benefits and the fact that there is not an identified need for affordable housing within the village.

Public Open Space:

64. The adopted Open Space SPD requires the provision of approximately 390 square metres of open space on site for a development on the scale proposed. The scheme exceeds this amount by a significant margin (approximately 3700 square metres open space to be provided as part of the scheme). Given that Shingay-cum-Wendy has an identified shortfall in play space (a substantial deficit in this area according to the 2013 Recreation and Open Space Study) and informal open space when compared to the required levels of provision, the fact that this amount of space can be provided at the density of development indicated is considered to be a significant social benefit of the proposal. The 2013 Recreation and Open Space Study indicates that the only area of informal open space within the Parish of Shingay-cum-Wendy is 0.2 hectares (land north of Flecks Lane). The report identifies that there is a shortage in the provision of sport and play space within the village.
65. Whilst not formally part of this proposal, it is clear that there is space within the open space to be provided to include a Local Area for Play (LAP) as part of the development, required by the Open Space SPD on schemes of 10 or more. A LAP is defined in the SPD as not being 'formally equipped' but that they 'will use landscaping, planting and natural features and will offer a variety of paved and grassed surfaces and tactile features.'
66. These features could be included in the landscaping scheme for the site and management of this area can be included in the Section 106 agreement. On the basis that this is secured, this provision would be a significant benefit of the proposals, given

that this area of open space will be accessible via the Public Right of Way and that opportunities to provide this level of managed space on alternative sites within the village would be extremely limited. This provision would enhance the sustainability of the overall scheme.

Impact on services and facilities:

67.

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.

68.

The Village Hall and the area of public open space referred to above (to the south east of the site), are the only community facilities within the Parish. There is no bus service, there are no shops or schools and no GP surgery. This reflects the isolated nature of the village and its status as an Infill village in the current LDF and emerging Local Plan.

69.

In terms of access to services and facilities therefore, the site is not in a sustainable location by virtue of the reliance on the private car to access even the most basic day to day needs. However, it is the case that the existing residents of the village face the same situation and this harm needs to be weighed against the environmental benefits of the improvement to the residential amenity of neighbouring properties resulting from the change of use. In addition to these factors is the fact that the scheme would constitute the redevelopment of a brownfield site which is not separated from the village to the extent that the proposed dwellings would be considered 'isolated' – a factor which the NPPF requires new development to avoid.

70.

Paragraph 7 of the NPPF states that the social dimension of sustainable development includes the creation of a high quality built environment with accessible local services. The indicative layout plan demonstrates that the site can be developed for the number of dwellings proposed, although there are aspects which require further consideration at the reserved matters stage.

Density of development and housing mix

71.

The scheme would be of a lower density than required by policy HG/1 of the LDF and emerging Local Plan policy H/7 (30 dwellings per hectare). The 10 dwellings would be erected on a developed area of just over 1 hectare, representing a density of one third of the policy guideline. However, both the existing and emerging policies include the caveat that a lower density may be acceptable if this can be justified in relation to the character of the surrounding locality. Given that the application site is located on the edge of a small settlement with a predominantly linear character of development, it is considered that this proposal meets the exception tests of the current and emerging policy with regard to the density of development. The rural character of the surrounding landscape (discussed in more detail in the following section of this report) and the constrained nature of the site access are also considered to be factors which suggest that a density below 30 dwellings per hectare is acceptable in principle in this location.

72.

Under the provisions of policy HG/2, the market housing element of proposed schemes is required to include a minimum of 40% 1 or 2 bed properties. The details of the housing mix proposed are as follows; 2 x 3 bed and 8 x 4 or more.

73.

Policy H/8 of the emerging Local Plan is less prescriptive and states that the mix of properties within developments of 10 or more dwellings should achieve at least 30% for each of the 3 categories, with the 10% margin to be applied flexibly across the scheme.

This policy is being given considerable weight in the determination of planning applications due to the nature of the unresolved objections, in accordance with the guidance within paragraph 216 of the NPPF quoted above.

74. Clearly the proposals do not comply with either the existing or emerging policies on housing mix. In conducting the planning balance, it is acknowledged that there is some harm resulting from over provision of larger properties when the evidence to support the emerging Local Plan policy states that 'whilst recent developments have helped to increase the stock of smaller properties available, the overall imbalance of larger properties remains.'
75. However, the size of the dwellings to be erected is crucial to raising the Threshold Land Value that the applicant would achieve from the site. Below that point, the developer would not achieve the incentive required to relocate from the site and as a result, the planning gain associated with the improvement to the amenity of neighbouring residents and the provision of the extensive area of public open space would not be realised.

Character of the village edge and surrounding landscape

Landscape Impact

76. Wendy as a village is characterised by properties which either front onto the road or involve buildings arranged in farmyard type layouts, which creates a rural character to the settlement. The initial scheme proposed a developable area that covered the majority of the site and the properties would have spanned the majority of the width of the site, with the open space provided in the north eastern corner of the development. The Landscape Design Officer raised concerns about the span of the built form and the proximity of dwellings to the north western and western boundaries of the site. This resulted in a development which would have presented a developed edge close to the watercourse and woodland on those boundaries of the site, disrupting the tranquil rural character the area.
77. In response to these comments, the parameter plan of the proposal has been amended to create more space between the edge of the built form and the north western boundary of the watercourse and the same revision has been made in the south western corner. This area would now form a logical and continuous area of public open space along the water course, allowing a greater landscape 'buffer' to be achieved along the western edge of the development.
78. The revision has resulted in the development being clustered around the south eastern corner and the eastern boundary of the site. This amendment to the developable area would improve the relationship between the proposed scheme and the adjacent buildings. The amended proposal would better relate to the linear building form which is characteristic of the properties in this part of the village and collectively would respond to the collection of buildings at Church Farm to the east.
79. These amendments to the developable area and indicative layout represent a significant improvement on the original submission and ensure that the development would respect the character of the surrounding landscape. This is subject to the scale and layout of the dwellings, which would be fixed within the developable area at the reserved matters stage, should outline planning permission be granted. A Design Code would help to inform the layout and scale of the scheme at the reserved matters stage and this requirement can be added as a condition on an outline consent.

80. **Trees**

The District Council Tree Officer has raised no objections to the proposals. The existing trees of amenity value are located on the western and north western boundaries adjacent to the watercourse and along the southern boundary of the site. Given the location of the developable area within the site and the low density of the proposed development, it is considered that all of these trees could be retained. Given the size of the public open space to be created within the development, it is considered that there would be opportunities for providing additional landscape planting, which would represent a biodiversity enhancement, in accordance with the guidance within the NPPF.

81. **Ecology**

The Ecology Officer advised that, having assessed the original biodiversity survey submitted with the planning application, further survey work was required to ascertain the impact of the proposals on Otter and Water Vole. There are recordings of both of these protected species being active within a tributary of the River Camb and the impact is not sufficiently addressed in the Preliminary Ecological Appraisal submitted with the planning application.

82.

Applied Ecology has provided an update in response, which confirms that, at the time that the survey was undertaken (March 2016), the accessible bank of the watercourse on the eastern boundary of the site was inspected for evidence of mammal and burrow holes. A mammal path with evidence of badger footprints was encountered on the top of the bank.

83.

The watercourse bank was considered too shallow sloping to attract water voles and none were encountered. The survey concludes that the separation distance between the watercourse and the dwellings would be sufficient to mitigate any adverse impact on aquatic wildlife and habitats. A Construction Environmental Management Plan is considered sufficient to mitigate any adverse impact on protected species. On the basis of this further information, the Ecology Officer's holding objection has been withdrawn.

84.

Biodiversity enhancements should be secured as part of the development, in accordance with the guidance in the NPPF and the removal of vegetation should be restricted to outside of the bird breeding season. These matters can be dealt with by condition at the outline stage.

Highway safety and parking

85.. The Highway Authority has not objected to the proposals. Officers acknowledge that the existing access is restricted in width and that normally a wider access would be required to facilitate a development of 10 houses. However, the existing situation has to be factored in to the assessment of the proposed development. The existing use involves regular HGV movements to and from the site as well as the general level of traffic associated with a commercial use and the proposed use would significantly reduce the level of trip generation. On that basis, the proposed development is considered likely to improve highway safety over and above the existing situation. As a result, it is considered that there is insufficient evidence to substantiate a refusal of planning permission on this ground.

86. Given the low density of the scheme, it is considered that there would be sufficient space to locate 2 car parking spaces on each plot, meeting the requirements of the LDF standards of 1.5 spaces per dwelling across developments with additional room for

visitor parking.

Residential amenity

87. The application is in outline only and therefore the layout plan submitted is for illustrative purposes only. However, officers need to be satisfied at this stage that the site is capable of accommodating the amount of development proposed, without having a detrimental impact on the residential amenity of occupiers of adjacent properties. Due to the size of the gardens to the rear of the properties which front on to Flecks Lane, sufficient separation distances could be retained between the rear of those properties and the properties on the southern edge of the development at the reserved matters stage to ensure that the proposal would not result in an adverse impact through overlooking or overshadowing.
88. Similarly, due to the low density of the scheme, the proposed number of units could be provided on the site without adversely affecting the residential amenity of the properties at Church Farm, to the east of the site. Equally, adequate separation distances could be retained to ensure that noise associated with the use of any of the neighbouring buildings would not have an adverse impact on the amenity of the occupants of the proposed development.
89. Standard conditions relating to the construction phase of the development have been recommended by the EHO and these can be attached to the decision notice. It is considered that the proposed number of units can be accommodated on the site without having any adverse impact on the residential amenity of the occupants of each of the plots within the development.
90. One of the significant benefits of the scheme (which has been raised by a number of the representations received from local residents and the Parish Meeting) would be the significant improvement that the proposal would bring about in terms of noise. Significant levels of noise result from the regular use of large vehicles by the narrow access and also the nature of the commercial operation. In relation to both of these noise sources and also air quality, the redevelopment of the site with a low density residential scheme is likely to result in less harm to the amenity of neighbouring residents than the existing lawful use.

Surface water and foul water drainage

Surface water drainage

91. The north western part of the site lies within Flood Zone 3 (highest risk of flooding), with the remainder of the site located in flood zone 1 (lowest risk of flooding). The Lead Local Flood Authority (LLFRA) has not raised an objection to the proposal.
92. The applicant has demonstrated that surface water can be dealt with on site by using a variety of SuDS features (swales, permeable paving and attenuation basins) which will restrict surface water discharge to significantly less than the existing rates. The details of the surface water drainage strategy can be secured by condition at the outline stage. The Environment Agency has also raised no objection on the basis that this condition is attached to the decision notice.

Waste and Foul water drainage

93. In relation to Wastewater treatment, Anglian water has confirmed that the foul drainage from this development is in the catchment of Foxton Water Recycling Centre,

which currently does not have capacity to treat the additional flows resulting from the development. However, they confirm in their response that Anglian Water are obligated to accept the foul flows from the development and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission. This lack of capacity is therefore considered not to be a reason to refuse the application as the matter can be resolved through legislation separate from the planning system.

Anglian water also confirm that the foul sewage network present currently has available capacity to treat flows from the development and as such has no objections to the scheme in this regard.

Section 106 contributions

94. The County Council as Education Authority has confirmed that there is sufficient capacity at the pre-school facility, the primary school and the Village College in Bassingbourn to accommodate the anticipated population from the development. This is considered to be a factor which enhances the social sustainability of the scheme.
95. The PPG advice regarding developments of 10 dwellings or 1000 square metres or less states that pooled contributions for such developments should not be sought. The cumulative amount of floorspace will not be determined until the reserved matters stage. Even if that threshold was breached, the CIL regulations require any contribution to be directly related to the development, proportionate in scale to the impact of the development and necessary to make the development acceptable in planning terms.
96. The District Council Community Facilities Assessment of 2009 confirmed that for the 110 residents of the village, only 12 square metres of community open space was required to meet the needs of the village. Whilst the population of the Parish had risen to 140 by 2012, Shingay has a village hall which exceeds 12 square metres by a substantial amount. Given this situation and considering the extent of the public open space to be provided on site and the size of the private gardens which could be attached to each of the 10 dwellings, it is considered that a contribution towards off site community facilities is not required to mitigate the impact of this development.

Other matters

Archaeology and Heritage

97. Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires decision-makers to pay "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."
98. Paragraph 132 of the NPPF, in the section dealing with the conservation and enhancement of the historic environment, states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".
99. Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm or to a total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that

outweigh that harm or loss.

100. Paragraph 134 of the NPPF says 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, including securing its optimum viable use”.
101. Recent planning case law has confirmed that having “special regard” to the desirability of preserving the setting of a listed building under section 66 involves more than merely giving weight to those matters in the planning balance. In particular, case law has confirmed that “preserving” in the context of Listed Buildings means doing no harm.
102. There is evidence of a deserted medieval village immediately to the north of the site, there are house platforms and ditches located to the west and earthworks to the south of the site. Vine Farm moated site and former house platforms are located to the south, with further moats to the east and west. There is also evidence of Bronze Age and Roman settlement in the vicinity of the site.
103. The County Council Archaeologist has raised no objection to the proposal on the basis that a standard condition requiring a scheme of investigation to be agreed and any necessary measures carried out prior to the commencement of development, to ensure that any risk to archaeology is mitigated is attached to the decision notice. This can be secured at this outline stage.
104. Historic England recognises that there would be limited intervisibility between the application site and a nearby grade II* and grade II listed buildings. Porch Cottage is immediately opposite the access to the site. However, a substantial separation distance would be retained to the proposed dwellings and the properties on the northern side of Flecks Lane obscure the otherwise direct relationship between the sites. Given that there are large agricultural style units on the site and the relatively small scale of the scheme, it is considered that the proposal would not have an adverse impact on the setting of any of the adjacent listed buildings. As such, the proposal would result in less than substantial harm to the setting of any heritage assets. On that basis, neither Historic England nor the District Council conservation officer have objected to the proposals.
105. Environmental Health

The EHO has raised no objections to the proposals. Conditions relating to noise during construction and the mitigation in the event that piled foundation are to be used as the method of construction can be attached to the decision notice should planning
106. permission be granted.

Given the existing use of the site and the sensitive end of the proposed use, it is considered necessary to require an investigation into any sources of contamination on the site and the securing of any necessary mitigation measures, prior to the commencement of development. These details can be secured by condition at this outline stage.
107. Public Right of Way (PRoW)

There is an existing PRoW which runs along the eastern edge of the site, within the red line site area. The PRoW route runs along the access road to the point where the access turns into the main body of the site, where the PRoW continues to the north. The definitive map shows a slightly different route to the pathway on the site. Given the

location of the PRoW, a development of 10 dwellings could be accommodated on the site without the need to divert the definitive route. If the route of the footpath is permanently impeded by the development, then the applicant would be required to formally apply for a diversion of the route to the County Council as Local Highway Authority, under the provisions of Section 257 of the Town and County Planning Act 1990. This process would occur if planning permission is granted. If the impact of the development would be limited to the access road, this would be a temporary situation and details of the management of any temporary diversion could be conditioned at the reserved matters stage.

Conclusion

108. This scheme proposes the redevelopment of a brownfield site and would result in significant benefits to local residents through the replacement of a commercial use which has negative environmental impacts with residential development. In addition, the cessation of the house of multiple occupancy use, which has been the source of enforcement complaints and is an unauthorised use is a benefit that can be secured via the Section 106 agreement, removing a wider negative implication arising from the current use.
109. The redevelopment of the site for housing would also be a social benefit within the context of the lack of a five year supply of housing. The significant amount of public open space to be provided by the scheme is also a significant social benefit. The amended parameter plan is considered to have addressed the landscape impact and design concerns raised in relation to the original submission.
110. The under provision of affordable housing does represent some harm in terms of the social sustainability of the scheme, but this must be weighed against the significant local support for the scheme in terms of the environmental benefits and the fact that there is not an identified need for affordable housing within the village. The overage clause to be inserted into the Section 106 agreement may also secure a higher figure, up to £340,000, depending on the sale value achieved.
111. It is considered that the issues raised in relation to environmental health, trees and ecology can be dealt with by condition.
112. It is considered that the scheme includes positive elements which enhance social sustainability. These include:
- the positive contribution of up to 10 dwellings towards the housing land supply in the district based on the objectively assessed need for 19,500 dwellings and the method of calculation and buffer identified by the Waterbeach Inspector
 - the provision of a contribution of affordable housing within the District, which may increase subject to the sale value achieved (overage clause with a cap at £340,000.)
 - significant public open space, including a local area of play in a village with a significant under provision in this regard.
 - the removal of the current use which is considered environmentally detrimental to the amenity of neighbouring residents
113. • potential to result in an increase in the use of local services and facilities

None of the disbenefits arising from the proposals are considered to result in significant and demonstrable harm when balanced against the positive elements and therefore, it is considered that the proposal achieves the definition of sustainable development as set out in the NPPF.

Recommendation

114. Officers recommend that the Committee grants planning permission, subject to the following:

Section 106 agreement

115. To secure commuted sum for the provision of affordable housing, the provision of public open space (including the Local Area of Play), the management of the public open space and surface water drainage, the cessation of the current unauthorised uses associated with the site and waste receptacles.

Draft conditions

- 116.
- (a) Outline planning permission
 - (b) Time limit for submission of reserved matters
 - (c) Time limit for implementation (within 2 years of approval of reserved matters)
 - (d) Approved plans – (site location plan and developable area parameter plan)
 - (e) Landscaping details
 - (f) Design Code to be submitted with the reserved matters application
 - (g) Details of the height of finished levels
 - (h) Waste Management Plan and Audit
 - (i) Details of external lighting
 - (j) Remediation of any contamination before commencement of development
 - (k) Construction Environment Management Plan
 - (l) Details of renewable energy generation (including water efficiency/conservation measures) and within the development and associated noise assessment and mitigation measures – 10% renewables and compliance.
 - (m) Foul water drainage scheme
 - (n) Surface water drainage scheme
 - (o) Tree Protection measures including
 - (p) No trees/hedges to be removed during the bird breeding season
 - (q) Pedestrian visibility splays
 - (r) Ecological enhancement scheme
 - (s) Scheme of archaeological investigation
 - (t) Construction Traffic Management Plan
 - (u) Restriction on the hours of power operated machinery during construction
 - (v) Waste Management and Minimisation Strategy for the development
 - (w) Housing mix to be approved
 - (x) Details of car parking and cycle provision
 - (y) Details of fire hydrants

117. Informatives

- (a) Environmental health informatives
- (b) Exclusion of indicative plans from approval – indicative layout plan not to be approved at this outline stage

Background Papers:

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

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File Reference: S/2224/16/OL

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