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3 May 2016

To: Chairman – Councillor Lynda Harford  
Vice-Chairman – Councillor David Bard  
All Members of the Planning Committee - Councillors Brian Burling,  
Anna Bradnam, Pippa Corney, Kevin Cuffley, Sebastian Kindersley, Des O'Brien,  
Deborah Roberts, Tim Scott, Ben Shelton and Robert Turner

Quorum: 3

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 11 MAY 2016 at 10.30 a.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution ***in advance of*** the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully  
**JEAN HUNTER**  
Chief Executive

**The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.**

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## AGENDA

## PAGES

### **PUBLIC SEATING AND SPEAKING**

Public seating is available both in the Council Chamber (First Floor) and the Public Gallery / Balcony (Second Floor). Those not on the Committee but wishing to speak at the meeting should first read the Public Speaking Protocol (revised June 2015) attached to the electronic version of the agenda on the Council's website.

### **PROCEDURAL ITEMS**

1. **Apologies**  
To receive apologies for absence from committee members.
2. **Declarations of Interest**
  1. **Disclosable pecuniary interests ("DPI")**  
A DPI is where a committee member or his/her spouse or partner has any kind of beneficial interest in the land under

consideration at the meeting.

**2. Non-disclosable pecuniary interests**

These are interests that are pecuniary involving a personal financial benefit or detriment but do not come within the definition of a DPI. An example would be where a member of their family/close friend (who is not their spouse or partner) has such an interest.

**3. Non-pecuniary interests**

Where the interest is not one which involves any personal financial benefit or detriment to the Councillor but arises out of a close connection with someone or some body /association. An example would be membership of a sports committee/ membership of another council which is involved in the matter under consideration.

**3. Minutes of Previous Meeting**

**1 - 4**

To authorise the Chairman to sign the Minutes of the meeting held on 22 April 2016 as a correct record.

**PLANNING APPLICATIONS AND OTHER DECISION ITEMS**

**4. S/2833/15/OL - Willingham, (Land off Rockmill End & Meadow Road)**

**5 - 38**

Outline application with full details of access for up to 72 residential units, relocation of allotments and provision of public open space with matters relating to layout, scale, landscaping and appearance reserved for future determination.

**5. S/2204/15/OL - Toft (Bennell Farm, West Street)**

**39 - 86**

Outline planning application for up to 90 dwellings, car park, football pitch and changing facilities, and associated infrastructure works

Appendix 2 is online only at [www.scambs.gov.uk](http://www.scambs.gov.uk)

**6. S/1952/15/OL - Cottenham (36 Oakington Road)**

**87 - 114**

Outline application for the demolition of existing barn and construction of up to 50 dwellings with all matters reserved except for access.

**7. S/1818/15/OL - Cottenham (Land off Rampton Road)**

**115 - 152**

Construction of up to 225 dwellings and associated infrastructure.

**8. S/1969/15/OL - Linton (Horseheath Road)**

**153 - 194**

Residential development of up to 50 dwellings and 28 allotments

**9. S/2870/15/OL - Over (Land to the West of Mill Road)**

**195 - 228**

Construction of up to 55 dwellings with associated access, infrastructure, and open space (All matters reserved apart from access).

**10. S/2689/15/FL - Haslingfield (115 New Road)**

**229 - 240**

Erection of two-storey dwelling following demolition of existing bungalow

11. **S/0078/16/FL - Gamlingay, (Fountain Farm, Park Lane)** 241 - 250  
Proposed New Dwelling

12. **S/2403/15/FL - Fowlmere, (Deans Farm, Long Lane)** 251 - 260  
Change of use of an agricultural building to a farm shop café

#### **MONITORING REPORTS**

13. **Enforcement Report** 261 - 268

14. **Appeals against Planning Decisions and Enforcement Action** 269 - 272

#### **OUR LONG-TERM VISION**

South Cambridgeshire will continue to be the best place to live, work and study in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment.

#### **OUR VALUES**

We will demonstrate our corporate values in all our actions. These are:

- Working Together
- Integrity
- Dynamism
- Innovation

## **GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL**

### **Notes to help those people visiting the South Cambridgeshire District Council offices**

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- **Do not** use the lifts to leave the building. If you are unable to use stairs by yourself, the emergency staircase landings have fire refuge areas, which give protection for a minimum of 1.5 hours. Press the alarm button and wait for help from Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

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If you feel unwell or need first aid, please alert a member of staff.

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#### **Banners, Placards and similar items**

You are not allowed to bring into, or display at, any public meeting any banner, placard, poster or other similar item. Failure to do so, will result in the Chairman suspending the meeting until such items are removed.

#### **Disturbance by Public**

If a member of the public interrupts proceedings at a meeting, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The meeting will be suspended until order has been restored.

#### **Smoking**

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#### **Food and Drink**

Vending machines and a water dispenser are available on the ground floor near the lifts at the front of the building. You are not allowed to bring food or drink into the meeting room.

## **EXCLUSION OF PRESS AND PUBLIC**

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) ..... in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) ..... of Part 1 of Schedule 12A of the Act."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

### **Notes**

- (1) Some development control matters in this Agenda where the periods of consultation and representation may not have quite expired are reported to Committee to save time in the decision making process. Decisions on these applications will only be made at the end of the consultation periods after taking into account all material representations made within the full consultation period. The final decisions may be delegated to the Corporate Manager (Planning and Sustainable Communities).
- (2) The Council considers every planning application on its merits and in the context of national, regional and local planning policy. As part of the Council's customer service standards, Councillors and officers aim to put customers first, deliver outstanding service and provide easy access to services and information. At all times, we will treat customers with respect and will be polite, patient and honest. The Council is also committed to treat everyone fairly and justly, and to promote equality. This applies to all residents and customers, planning applicants and those people against whom the Council is taking, or proposing to take, planning enforcement action. More details can be found on the Council's website under 'Council and Democracy'.

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*ditch in Bannold Road for surface water but I have concerns and so does the WLIDB [Waterbeach Level Internal Drainage Board] that this is not a satisfactory arrangement, the ditch has not been maintained and would not cope with the flow from a development of this size. The pipe carrying surface water from Cam Locks and the latest Cody Road development is still the responsibility of Morris Homes as Anglian Water have never adopted this, so if Persimmon wanted to use this they would have to approach Morris homes to see if 1, they would allow them to join up, and 2, is there enough capacity in the pipe for these extra houses. If none of these cases are suitable then how do they propose to move the surface water from their development to the drainage unit further down Bannold Road. Also the water treatment plant is over capacity and we have recently had problems when the sewage came up in residents gardens after only one inch of rain so you can imagine the extra burden more houses will put on this. Some answers to this will be most appreciated. I would be there but as I have said I have a meeting with Network Rail to try and sort out our car parking issues at Waterbeach station.”*

Persimmon Homes confirmed that they would not be outpouring to the ditch. Anglian Water had provided a point of connection to the main sewerage system. Discharge rates had been agreed. A Sustainable Urban Drainage System (SUDS) would be put in place. Persimmon Homes confirmed that they would be making appropriate drainage arrangements without having to negotiate connections or flow rates with adjacent developers.

Councillor Brian Williams attended the Presentation on behalf of Waterbeach Parish Council. He said that any development on site beyond the 90 dwellings allowed on Appeal would amount to overdevelopment and, therefore, unsustainable. Councillor Williams said that Waterbeach had a poor bus service, and a crowded train service. He was disappointed that the proposal from Persimmon Homes did not include any social housing. He asked whether Persimmon Homes could be persuaded to contribute a financial sum towards road safety improvements in the village. The vehicular access connecting the site with Bannold Road was considered inappropriately located. Councillor Williams urged Persimmon Homes to listen to Waterbeach Parish Council.

## **2. APOLOGIES**

Councillor Ben Shelton sent Apologies for Absence. Councillor David McCraith was his substitute.

## **3. DECLARATIONS OF INTEREST**

In respect of Minute 5 (S/2068/15/OL – Gamlingay), Councillor Sebastian Kindersley declared a non-pecuniary interest having attended meetings with the Parish Council and applicants. He reminded those present that his position as District Councillor for Gamlingay and Cambridgeshire County Councillor for the Gamlingay Electoral Division might be perceived as influencing his comments on the Section 106 Heads of Terms, but he gave an assurance that he was approaching the matter afresh.

## **4. MINUTES OF PREVIOUS MEETING**

The Committee authorised the Chairman to sign, as a correct record, the minutes of the meeting held on 6 April 2016.

## **5. S/2068/15/OL -GAMLINGAY, (LAND AT GREEN END INDUSTRIAL ESTATE)**

Kathryn Slater (applicant's agent), Councillor Sarah Groom accompanied by Kirsten



Rayner (Gamlingay Parish Council) and Councillor Bridget Smith (a local Member) addressed the meeting. The agent summarised the application, highlighting the absence of objections from statutory consultees, and only three objections from local residents. The developer would contribute £750,000 to the local community. Councillor Groom said that the development would generate increased demand for pre-school places, and the facility in the Methodist Chapel would need about £350,000 spent on it if it were to cope. In addition, some £200,000 was needed to provide extra open space for sport, including a potential new site for the bowling green. Councillor Smith said that Gamlingay needed houses, but not at any cost. She said that it was important to protect the employment element of this proposal. Councillor Smith had supported the allocation of this site in the emerging Local Plan, but only as a mixed development. The current application offered no guarantee that the businesses would remain on site. She urged the Committee not to approve the application in its current form unless fully compliant with the Local Plan. Loss of employment opportunities had to be mitigated, and pre-school provision must be assured.

The Committee considered the application at length, focusing on

- The site's fitness for purpose
- The need for operating hours in the industrial part of the site to be realistic, and appropriate to the needs of the businesses there
- The need for upgraded community facilities
- The adequacy or otherwise of Section 106 financial contributions
- Pressures on the village
- Affordable housing must be for local people in perpetuity

Some members expressed misgivings about the proposal.

The Planning Lawyer said that officers would look at the Section 106 Obligations on the basis of provision rather than Quantum in order to ensure compliance with Community Infrastructure Levy requirements. They would do so in consultation with the Chairman and Vice-Chairman of the Planning Committee, and with local Members.

By 11 votes to nil (with Councillor Deborah Roberts abstaining), the Committee gave officers **delegated powers to approve** the application, subject to

1. The prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990
  - a. based on the Heads of Terms set out in the update report from the Planning and New Communities Director;
  - b. preserving in perpetuity the Class B2 employment use of the 25% of the Industrial Estate not destined to be developed for housing;
  - c. securing the affordable housing in a manner consistent with that at Station Road, Gamlingay – for local people, with cascade outwards only once the housing waiting list in Gamlingay had been eliminated;
2. consultation with Cambridgeshire County Council, as Local Education Authority and in conjunction with the Chairman and Vice-Chairman of the Planning Committee and the local Councillors for Gamlingay, in connection with the provision, but not quantum, of additional early years accommodation for inclusion as a Planning Obligation;

3. the application being reported back to Committee for determination should negotiations with Cambridgeshire County Council under Point 2 above be unsuccessful; and
4. the Conditions set out in the update report from the Planning and New Communities Director.

**6. S/3182/15/FL - HARSTON, (57 LONDON ROAD)**

Mr Brunwin (objector), Josh Palmer (applicant's agent) and Councillor Janet Lockwood (local Member) meeting. Mr Brunwin said that the proposed new dwelling on Plot 2 would be overbearing and would adversely affect his greenhouse and trees by blocking natural light. He said that amenity would further be affected by virtue of part of his property being overlooked by the new dwelling on Plot 2. Mr Palmer said that the proposed development had sought to have a positive impact through careful discussion with planning and urban design officers. Councillor Lockwood said that the proposed development was out of keeping with much of Harston, and would have an adverse impact on Mr Brunwin's amenity.

Councillor David McCraith said he could see no reason to refuse the application, and Councillors Sebastian Kindersley and Deborah Roberts agreed.

The Committee **approved** the application subject to the Conditions set out in the report from the Planning and New Communities Director.

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**The Meeting ended at 12.25 p.m.**

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# Agenda Item 4

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

11 May 2016

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

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<b>Application Number:</b>	S/2833/15/OL
<b>Parish(es):</b>	Willingham
<b>Proposal:</b>	Outline planning permission with full details of access only (matters of landscaping, scale, appearance and layout are reserved) for the erection of up to 72 residential units, relocation of allotments and provision of open space and associated development
<b>Site address:</b>	Land to the west of Rockmill End, Willingham
<b>Applicant(s):</b>	Diocese of Ely
<b>Recommendation:</b>	Delegated approval (to complete section 106)
<b>Key material considerations:</b>	Five year supply of housing land Principle of development Sustainability of the location 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 Provision of formal and informal open space Section 106 Contributions
<b>Committee Site Visit:</b>	10 May 2016
<b>Departure Application:</b>	Yes
<b>Presenting Officer:</b>	David Thompson, Principal Planning Officer
<b>Application brought to Committee because:</b>	The officer recommendation of approval conflicts with the recommendation of Willingham Parish Council
<b>Date by which decision due:</b>	31 May 2015 (extension of time agreed)

### Executive Summary

1. The application site is located outside of the Willingham village framework. The site is 160 metres north of the Willingham conservation area. A large part of the site is proposed to be allocated for housing in the emerging Local Plan. This factor and the sustainable nature of the location, along with the benefits of the provision of affordable housing, the relocation but retention of the allotments which currently occupy part of

the site and the provision of equipped and informal open space are all considered benefits which are not significantly and demonstrably outweighed by the disbenefits of the scheme.

The application is outline only and the only matters to be decided at this stage are the means of access and the principle of the erection of up to 72 dwellings and the other facilities listed in the description of development on the site. It is considered that the revised illustrative masterplan submitted with the application demonstrates that a maximum of 72 units could be provided on the site, along with the allotments, the required level of formal and informal open space and surface water attenuation measures can be accommodated on the site. It is considered that the illustrative layout indicates that this could be achieved without having an adverse impact on the character of the village edge by including a significant landscape 'buffer' on the eastern edge of the development.

There are no objections to the proposals from the Highway Authority, the Flood Risk Authority or the Environment Agency and none of the Council's internal consultees have recommended refusal of the scheme following revisions to the illustrative masterplan. 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.

### **Planning History**

2. C/0032/61/ - application for residential development - refused

### **National Guidance**

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

### **Development Plan Policies**

4. 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.
5. **South Cambridgeshire LDF Core Strategy DPD, 2007**  
ST/2 Housing Provision  
ST/5 Minor Rural Centres
6. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
DP/7 Development Frameworks  
HG/1 Housing Density  
HG/2 Housing Mix  
HG/3 Affordable Housing  
NE/1 Energy Efficiency  
NE/3 Renewable Energy Technologies in New Development  
NE/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  
 SC/9 Protection of existing Recreation Areas, Allotments and Community Orchards  
 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

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

Open Space in New Developments SPD - Adopted January 2009  
 Affordable Housing SPD - Adopted March 2010  
 Trees & Development Sites SPD - Adopted January 2009  
 Landscape in New Developments SPD - Adopted March 2010  
 Biodiversity SPD - Adopted July 2009  
 District Design Guide SPD - Adopted March 2010  
 Health Impact Assessment SPD– Adopted March 2011

8. **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/9 Minor Rural Centres  
 HQ/1 Design Principles  
 H/1 Allocations for residential development at Villages (g 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  
 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**

9. **Willingham Parish Council** – the Parish Council recommend refusal of the application due this being gross overdevelopment of the village in the worst possible location in relation to the likely increase in traffic flow and also on the grounds that the development would be in excess of the 50 houses allocated for the site in the emerging Local Plan
10. **District Council Environmental Health Officer (EHO)** – The Public Health Specialist has commented that the Health Impact Assessment has been assessed as Grade B, which meets the required standard of the SPD Policy. The scheme is therefore acceptable in this regard.

Further assessment of the potential noise generated by the noise of traffic on Rockmill End and the impact that this may have on the residential amenity of the occupants of the dwellings will be required to ensure that adequate attenuation measures are put in place, if required. Details of any lighting to be installed will also need to be provided.

Noise, vibration and dust minimisation plans will be required to ensure that the construction phase of the scheme would not have an adverse impact on the amenity of neighbouring residents. These details shall be secured by condition, along with a restriction on the hours during which power operated machinery should be used during the construction phase of the development and details of the phasing of the development.

The applicant will be required to complete a Waste Design Toolkit at the reserved matters stage in order to show how it is intended to address the waste management infrastructure, and technical requirements within the RECAP Waste Design Management Design Guide. In addition conditions should secure the submission of a Site Waste Management Plan. Provision of domestic waste receptacles by the developer will be secured via the Section 106 agreement.

11. **District Council Urban Design Officer** – does not object to the principle of development following amendments to the illustrative masterplan and acknowledges that improvements to the indicative layout have been made. Further issues raised can be addressed at the reserved matters stage when the layout and scale are to be determined.
12. **Old West Internal Drainage Board (IDB)**- no objection to the planning application. However, the applicant will be required to enter into a legal agreement to compensate for the increase surface water run off which will discharge into the drainage network controlled by the IDB.
13. **District Council Landscape Design Officer** – issues raised regarding the original proposal given the extent of hardstanding which would create a hard landscaped layout in this edge of village location. This has been improved in the revised scheme through the creation of additional areas of public open space and rationalisation of plots to reduce the extent of hardstanding and road surface. Improvements have been made to the access arrangements for the properties fronting Rockmill End which would allow the retention of a larger proportion of the hedge which currently demarcates the western boundary of the field.
14. **Cambridgeshire County Council Transport Assessment Team** –

The Highway Authority considers that there is no evidence to suggest that the proposed development would exacerbate the existing road safety risks in the locality. The scheme is considered to be sustainable from an access point of view as all Willingham is within walking distance (2km) from the application site.

The Highway Authority has pointed out that the existing footpath along the northern side of Silver Street would be required to ensure safe pedestrian access into the main centre of Willingham could be secured. The applicant has agreed to the principle of this requirement, which can be secured through a legal agreement with the County Council as Highway Authority

Details of a scheme for the upgrading of the bus stop facilities adjacent to the site on Rockmill End and Wilford Furlong can also be secured by condition. A detailed travel plan for the development will be required at the reserved matters stage.

15. **Cambridgeshire County Council Historic Environment Team (Archaeology)**– the site has been the subject of a detailed evaluation which has highlighted the archaeological significance of the site as there is evidence of Roman settlement in the area. The County Council will require a mitigation strategy to be implemented following investigation prior to the commencement of construction works.
16. **Cambridgeshire County Council Flood & Water Team** – no objection subject to the imposition of conditions requiring compliance with the Flood Risk Assessment (FRA) submitted with the planning application and details of a surface water drainage strategy being secured by condition.
17. **Environment Agency** - The site lies in Flood Zone 1. The Environment Agency requires conditions to be included in any consent preventing surface water and contamination issues in a sensitive area. These can be included in any consent.
18. **Anglian Water** - Anglian Water (AW) has commented that the existing Over Water Recycling Centre, which would treat wastewater from the site does not currently have capacity to treat the flows from the development. AW has confirmed that they are legally obliged to undertake the works required to treat the additional flows. AW confirm that the foul water sewage network has capacity to accommodate the development.
19. **Contaminated Land Officer** - low risk in relation to land contamination and as such it is considered that a phase I contaminated land assessment can be required by condition at this outline stage, to ensure that the detailed layout does not result in any adverse impact in this regard, acknowledging the sensitive end use proposed for the site
20. **Air Quality Officer** - to ensure that sensitive receptors in the vicinity of the development are not affected by the negative impact of construction work such as dust and noise, as well as ensuring that the applicant complies with the Council's low emission strategy for a development of this scale, conditions should be included that require the submission of a Construction Environmental Management Plan/Dust Management Plan, and an electronic vehicle charging infrastructure strategy
21. **Affordable Housing Officer** - The proposed site is located outside the development framework and should therefore be considered on the basis of an exception site for the provision of 100% affordable housing only to meet the local housing need. This would be in accordance with Policy H/10 of the emerging Local Plan.

However, should this application not be determined as an exception site, then the council will seek to secure at least 40% affordable housing, which is in line with policy H/9 of the emerging Local Plan.

The developer is proposing 72 dwellings, which consists of 43 market dwellings and 29 affordable dwellings which meets the 40% requirement.

There are approximately 1,700 applicants on the housing register and our greatest demand is for 1 and 2 bedroom dwellings.

The district wide tenure split is 70% rented and 30% shared ownership. The mix proposed by the developer is:

### **Rented**

10 x 1 bed houses  
3 x 2 bed houses  
4 x 2 bed flats  
3 x 3 bed houses

### **Shared Ownership**

5 x 2bed houses  
4 x 3 bed houses

We are happy with the mix proposed as it is reflective of the needs in the district, and the tenure split is in accordance with policy.

Properties should be built in accordance with the guidance from, the DCLG on Technical Housing Standards.

A registered provider should be appointed to manage the affordable housing; we would like to be informed when an RP has been appointed so that we can discuss the delivery of the affordable housing with them.

The rented properties should be advertised through homelink and be open to all applicants registered in South Cambs. The shared ownership properties should be advertised through BPHA (Bedfordshire Pilgrims Housing Association) who are currently the governments appointed home buy agent in this region.

22. **Section 106 Officer** – details of the summary of section 106 requirements are appended to this report and discussed in detail in paragraph 111. Specific policy compliant contributions in the region of £110,000 (final figure dependent on housing mix to be determined at the reserved matters stage under scale of development) are requested towards the extension and improvement of the pavilion at the recreation ground and the Ploughman Hall (indoor community facility).
23. **Cambridgeshire County Council Growth Team** – This scheme has been considered alongside 2 other live planning applications for residential development of 50 or more dwellings in Willingham in formulating the contribution levels required. The County Council indicate that there is capacity in the early years provision and that the 8 children in that age bracket could be accommodated as there is sufficient capacity in the next 3 years to mitigate the impact of the development.

The proposed development would result in a projected increase of 14 primary school



aged children. There is insufficient capacity at the primary school, to accommodate this and a 123 square metre classroom with associated ancillary space will be required as an extension to the current provision to meet this capacity, when considered alongside the projected population increase taken cumulatively with the other two developments sited above. The total costs of a project to mitigate the impact would be £315,000. This calculation is arrived at via the cost of the overall extension, divided by the total number of pupils that could be accommodated by the extension, multiplied by the 15 places required specifically to mitigate the impact of the development in relation to primary school provision.

No contribution is sought in relation to secondary school provision as Cottenham Village College, the catchment area for which the site is within, has capacity to accommodate the additional 9 pupils within this age group projected to result from the proposed development.

A contribution of £9,896.10 is requested to improve the provision of library services. The County Council have calculated this figure based on 165 new residents resulting from the scheme multiplied by a sum of £60.02 as a per person contribution towards internal modification works to increase the operational space at Willingham library, shelving to accommodate new books and resources, additional books and furniture to accommodate additional capacity.

No pooled strategic waste contribution can be sought despite there being insufficient capacity in the Cambridge and Northstowe Household Recycling Centre catchment area as five such contributions have already been agreed.

A monitoring fee would also be applied

24. **Historic England** – no objection but state that a condition should be added limiting the height of the development to 2 storeys in height and that the landscaping buffer shown on the indicative plan (created by the position of the allotments) should be incorporated at the reserved matter stage to ensure that the setting of the Belsar Hill Scheduled Ancient Monument to the east of the site is preserved
25. **District Council Conservation Officer** – no objections raised
26. **NHS England** - state that Willingham surgery does not currently have capacity to accommodate the projected additional demand. On the basis of their calculation, NHS England have requested a sum of £24,140 to provide an additional 12.07 square metres of floorspace to accommodate the additional 176 anticipated population increase (nb. Different projection to the County Council figures above).
27. **District Council Ecology Officer** – no objection, subject to the attachment of conditions to the outline planning permission.

The application is supported by an ecological assessment and the site is generally considered to be of low biodiversity value. No suitable habitat was recorded to support reptile species, no activity/evidence of badgers observed. None of the trees present on site were considered as potential roosts but bats would be likely to use hedgerows for feeding.

In relation to Great Crested Newts (GCN), the field itself was generally considered to be of low value but there are historical records of GCN in a pond 110m south of the site. The pond could not be accessed so a full assessment could not be made on this matter. Furthermore, it was considered that if the site was developed and GCN were

present then an offence may occur. It is noted that the layout includes an attenuation area, it is very likely that should GCN be present on site that this area could be further enhanced to provide suitable habitat for the species.

In order to address the outstanding matter relating to GCN a condition is proposed to be attached to the outline application which would require a survey of the site assessing the potential for Newts, within 3 months after the commencement of development. The assessment shall include, but not be limited to, a Habitat Suitability Index assessment of the pond located approximately 110m to the south of the application site (referred to as pond TN1 in the report "Ecological Survey, Willingham Glebe Land, Cambridgeshire" by Norfolk Wildlife Services July 2015).

The hedgerows were identified as providing habitat for nesting birds, including five species of conservation concern. The hedgerows bounding the site should be fully retained where possible. The standard condition should be used to control the removal of vegetation during the bird breeding season.

A condition is recommended at the outline stage to secure the provision of a scheme of bird and bat box provision.

28. **District Council Tree Officer** – no objections to the principle of development. Additional details of landscaping proposals will be required at the reserved matters stage.
29. **District Council Environmental Health Officer** – The Public Health Specialist has commented that the Health Impact Assessment has been assessed as Grade B, which meets the required standard of the SPD Policy. The scheme is therefore acceptable in this regard.

Further assessment of the potential noise generated by traffic and vehicle movements on Rockmill End and the implications is required in terms of any sound insulation measures which may need to be incorporated into the buildings that would front onto the highway. This assessment can be secured by condition at the outline stage. An assessment of the impact of artificial lighting resulting from the development can also be secured by condition in order to ensure that the strength of such light does not have any adverse impact on the amenity of neighbouring properties or the surrounding area.

Noise, vibration and dust minimisation plans will be required to ensure that the construction phase of the scheme would not have an adverse impact on the amenity of neighbouring residents. These details shall be secured by condition, along with a restriction on the hours during which power operated machinery should be used during the construction phase of the development and details of the phasing of the development.

The applicant will be required to complete a Waste Design Toolkit at the reserved matters stage in order to show how it is intended to address the waste management infrastructure, and technical requirements within the RECAP Waste Design Management Design Guide. In addition conditions should secure the submission of a Site Waste Management Plan. Provision of domestic waste receptacles by the developer will be secured via the Section 106 agreement.

30. **Highways England** – no objection

## **Representations**

31. This section is split into the responses received to the emerging Local Plan allocation (policy H/1:g), which need to be considered in the assessment of the application as considerable weight is being given to that in the consideration of the proposal, in line with the guidance on weight to be attached to emerging policy explained later in this report.
32. 1 objection has been received to the emerging allocation from the Old West Internal Drainage Board (IDB) who commented that the site is outside of the area controlled by the IDB but would drain onto land within the scope of their control. Adequate surface water drainage measures must be included as part of the scheme and managed by a competent authority.  
(nb Members will note from the above consultation responses that the IDB have not objected to the application having been consulted at the application stage, subject to mitigation measures being agreed).
33. 4 representations which were classified as supporting the allocation were received which included representations from the agent of the land owner and Anglian Water and Defence Infrastructure Organisation who confirmed no objection to the allocation. Oakington and Westwick Parish Council also supported the allocation.
34. Neighbour consultations were carried out and 2 sites notices displayed on the site for 21 days, in accordance with the provisions of the Development Management Procedure Order. In relation to this planning application, 2 letters of objection have been received which raise the following concerns:
- There is insufficient capacity at the school or the doctors surgery to accommodate the additional population increase that will result from the development
  - The road is not suitable and the exit of the proposed estate is too close to the access onto Wilford Furlong from Rockmill End
  - Farm vehicles and lorries use Rockmill End, the additional traffic will ensure that the existing congestion would be made worse by the proposals
  - Parking on the streets in the locality is already a problem and restricts visibility which is detrimental to highway safety. This issue would be made worse by the additional traffic generated by the proposed development
  - The development will not make adequate provision for the properties to be affordable
  - New properties should be located in the new build Northstowe development, not as an extension of existing settlements beyond the framework boundary as is proposed here
  - The existing cemetery is at capacity, where will additional capacity be accommodated?
  - Rockmill End is currently part of the bus route, this adds to the congestion problems in the locality and will be exacerbated by the proposals
  - The ditch alongside Rockmill End is being used as a location for fly tipping which is detrimental to the amenity of the area and environmental health

### **Site and Surroundings**

35. The application site is located on the north eastern edge of Willingham. The site lies outside of the existing development framework which runs along the western boundary of the land. The site is bound by the highway on two sides, Rockmill End to the west and Sponge Drove to the north. The site is currently agricultural land with allotments located in the north western corner, which is fenced off from the remainder

of the field. Land levels on the site are relatively flat, falling slightly in the north eastern corner. The southern boundary of the site is the common boundary with the property at 30 Rockmill End. The line of the hedge then cuts diagonally across to the eastern boundary which, along with the northern and western boundaries is also demarcated by a hedge.

### **Proposal**

36. The applicant seeks outline planning permission with full details of access only (matters of landscaping, scale, appearance and layout are reserved) for the erection of up to 72 residential units, relocation of allotments and provision of open space and associated development.

### **Planning Assessment**

37. The key issues to consider in the determination of this application in terms of the principle of development are the implications of the five year supply of housing land deficit on the proposals and the weight to be given to the emerging allocation which covers part of the site. An assessment is required in relation to the impact of the proposals on the character of the village edge and surrounding landscape, highway safety, the residential amenity of neighbouring properties, environmental health, surface water and foul water drainage capacity, the provision of formal and informal open space and other section 106 contributions.

### **Principle of Development**

Five-year housing land supply:

38. 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.
39. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 3.9 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 2015). In these circumstances any adopted or emerging policy which can be considered to restrict the supply of housing land is considered 'out of date' in respect of paragraph 49 of the NPPF.
40. Unless circumstances change, those conclusions should inform, in particular, the Council's approach to paragraph 49 of the NPPF, which states that adopted policies "for the supply of housing" cannot be considered up to date where there is not a five year housing land supply. 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".
41. 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.

42. Of particular significance to this case are policies ST/5 (which defines Willingham as a Minor Rural Centre with an indicative cap on residential development of 30 units when located inside the village framework) and NE/4 (landscape character areas).
43. These policies are both considered to have significant weight in the determination of this planning application as the NPPF contains specific advice that development should conserve and enhance the natural environment, including valued landscapes. As a result, despite being out of date, they are still considered to have a relevant purpose in restricting unsustainable development and therefore conform to the overarching principles of the NPPF.
44. 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.
45. 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. 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).
46. 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. Willingham is identified as a Minor Rural Centre village under policy ST/5 of the LDF and would retain that status under policy S/9 of the Draft Local Plan. Minor Rural Centres are classified as second in the hierarchy of settlements in terms of sustainable locations for development.
47. Development in Minor Rural Centres (the current and emerging status of Willingham) is normally limited to schemes of up to 30 dwellings. 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 more limited range of services to meet the needs of new residents in a sustainable manner than in Rural Centres. However, as weight is being given to the emerging allocation status of the site, the indicative number of units within that

policy (up to 50) which exceeds this limit, due to the limited nature and number of the objections received to the emerging allocation policy.

48. 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.
49. The proposals are assessed below against the social and economic criteria of the definition of sustainable development.
50. The environmental issues are assessed in the following sections of the report. In relation to the loss of higher grade agricultural land, policy NE/17 states that the District Council will not grant planning permission for development which would lead to the irreversible loss of grade 2 (in this case) agricultural land unless :
  - a. Land is allocated for development in the Local Development Framework
  - b. Sustainability considerations and the need for the development are sufficient to override the need to protect the agricultural value of the land.
51. Whilst the substantive issues are discussed in detail in the remainder of this report, it is considered that, as weight is being given to the housing land allocation of part of the site in the emerging Local Plan, the proposal would not directly conflict with part a. of the policy, in principle, and given the sustainable location of the site for residential development and the fact that the Council cannot demonstrate a five year supply of housing land, it could be argued that the need for housing overrides the need to retain the agricultural land when conducting the planning balance.
52. The proposal would involve the relocation of the allotments which currently occupy the north eastern corner of the site. Policy SC/9 of the emerging Local Plan requires the protection of allotments and other recreation facilities and states that their loss in development proposals would not be permitted unless:
  - a. They would be replaced by an area of equivalent or better quantity and quality and in a sustainable location
  - b. The proposed development includes provision of open space, or sports and recreation facilities of sufficient benefit to outweigh the loss; or
  - c. An excess of provision in quantitative and qualitative terms is clearly demonstrated in the all the functions played by the land...to be lost, taking into account potential future demand and in consultation with local people and uses.
53. There is not an equivalent policy in the current LDF and this policy is being given some weight in the determination of planning applications. In these proposals, the existing allotments would be relocated to the eastern part of the site. The area currently covered by the allotments is 5650 metres squared and the proposal would include only 3800 square metres allotment space in the proposed development. The applicant has indicated that 20% of the plots are currently not in use and records suggest that this has been the situation for a number of years. Aerial photographs corroborate this case since at least 2008 as the south western corner of the allotments appears to form part of the main field as agricultural land.
54. The proposal would result in a reduction in the level of provision by a relatively significant margin. However, it is considered that the significant amount of public open

space that would be provided for within the development (which could be enlarged further at the detailed stage due to the large size of the majority of the private gardens), which would compensate for this loss. A key factor in reaching this conclusion is that the emerging allocation status which applies to the part of the site where all of the allotments are to be located does not specify that these allotments would need to be retained and has allocated the site for an indicative number of 50 units.

55. The emerging allocation status is being given significant weight in the recommendation on this application due to the limited nature of the objections received. In terms of balancing the two issues, it is considered that the harm through the loss of some of the allotment space would not result in an unsustainable development given that the scheme is considered not to have a detrimental impact on environmental or social sustainability, as assessed in the following sections of this report.

Social sustainability:

56. 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.
57. The development would provide a clear benefit in helping to meet the current housing shortfall in South Cambridgeshire through delivering up to an additional 72 residential dwellings. 40% of these units will be affordable (29 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 72 additional houses, including the affordable dwellings, is a benefit and significant weight should be attributed this in the decision making process, particularly in light of the Housing Officer's confirmation that there is a significant need for affordable housing in Willingham.
58. The adopted Open Space SPD requires the provision of just over 1200 metres squared of open space for a development on the scale proposed. Given that Willingham has an identified short fall in play space and informal open space this level of provision is considered to be a significant social benefit of the proposals, particularly the provision of the equipped play space (500 square metres).
59. However, the communal open space associated with the flatted development (14 units) far exceeds the Design Guide standards of 350 metres squared, even with private areas for the ground floor units in this area. The private gardens of a number of dwellings also exceed the maximum indicative standard in the Design Guide. Given that the layout will not be determined until the reserved matters stage, it is considered that there is sufficient space on the site to accommodate the number of units proposed and achieve the minimum open space standards. Given that the revised scheme proposes an equipped area of open space and that there is a significant deficit in the provision in Willingham (as identified in the 2013 Recreation and Open Space Study), this is considered to be a social benefit of the scheme.
60. 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.

61. Willingham is currently classified as Minor Rural Centre in the LDF and would retain this status in the emerging Local Plan. Emerging policy S/9 states that residential development of up to a maximum indicative size of 30 dwellings will be permitted, subject to the satisfaction of all material planning consideration. The proposal would significantly exceed this number and would not be within the existing framework boundary. This scale of development must be considered in light of the facilities in Willingham and the impact of the scheme on the capacity of public services.
62. Paragraph 204 of the NPPF relates to the tests that local planning authorities should apply to assess whether planning obligations should be sought to mitigate the impacts of development. In the line with the CIL regulations 2010, the contributions must:
- necessary to make the scheme acceptable in planning terms
  - directly related to the development
  - fairly and reasonably related in scale and kind to the development proposed.
63. There are bus stops to the south of the site on Rockmill End and on Wilford Furlong to the west of the site. These bus stops are accessible from the site via public footpaths. There are 2 morning buses and 1 evening service to Cambridge at commuting times on weekdays with 4 buses throughout the day on those days, with return services available on a similar frequency. A similar level of service operates on a Saturday, no services are available on Sundays. Given the extremely close proximity of the site to the bus service and the frequency of the service at commuting times as well as during the day, it is considered that the site is well served by public transport, which enhances the environmental sustainability of the scheme by reducing reliance on car travel.
64. The County Council as the relevant Authority for providing education services have indicated that there is capacity in the early years provision. The 14 pupils estimated to be generated by the development of primary school would take the primary school beyond current capacity but this could be addressed through an extension to which the applicant would provide a contribution of £315,000. The development would be within the catchment area of Cottenham Village College and the County Council consider that this school has capacity to accommodate the additional pupils projected to be generated by the development.
65. This information corroborates the evidence used in the SHLAA assessment which applied to the majority of land included in the application site. The fact that the developer has agreed to the principle of paying the contribution to fund the additional infrastructure required to offset the impact of the development in this regard ensures that the impact of the scheme on the capacity of these facilities could be adequately mitigated, weighing in favour of the social sustainability of the scheme.
66. A contribution of £9,896.10 is requested to improve the provision of library services. The County Council have calculated this figure based on 165 new residents resulting from the scheme multiplied by a sum of £60.02 as a per person contribution towards internal modification works to increase the operational space at Willingham library, shelving to accommodate new books and resources, additional books and furniture to accommodate additional capacity. Given that the impact on the capacity of the library can be mitigated through this relatively small scheme in relation to the overall anticipated population increase, it is considered that securing this sum via a section 106 agreement would offset any negative impacts on social sustainability in this regard.



67. In terms of health impact, the applicant has submitted an Impact Assessment in this regard. This Assessment concludes that the number of GP's and the resulting amount of patients that can be accommodated by Willingham surgery indicate that the existing infrastructure could cope with the increased demand.
68. However, NHS England has commented on the application and has stated that their assessment of capacity is based on the amount of floorspace required to run a practice as opposed to the number of GP's. On the basis of their calculation, NHS England have requested a sum of £24,140 to provide an additional 12.07 square metres of floorspace to accommodate the additional 176 anticipated population increase (nb. Different projection to the County Council figures above). The NHS response indicates that this figure does not include an assessment of any additional car parking capacity and have indicated that they do not have the evidence base to make a request for extension/reconfiguration of the site in this regard.
69. NHS England have indicated in their response that they consider the requested sum to meet the tests for seeking contributions as set out in the NPPF, quoted above. This sum is considered necessary to mitigate the deficit in the capacity of Willingham surgery that would result from the projected population increase from the development and subject to this being secured through the section 106 agreement, the development would not be socially unsustainable in this regard.
70. Willingham has a library, a post office, a supermarket and a good range of shops selling day to day goods including food items and a pharmacy. There is a day nursery, a hardware store and a good range of retail and professional services. There is a garage, restaurant and 3 public houses. Cumulatively, it is considered that Willingham offers a range of services beyond meeting day to day needs and this is reflected in the status of the village as a Minor Rural Centre i.e. second in the list of sustainable groups of villages in the district.
71. The village also has 3 community halls: the Ploughman Hall (171 square metres main hall with additional space and facilities), the Salvation Army Hall and the Willingham Public Hall (811 square metres main hall with additional space and facilities). The village also has a recreation ground which includes multiple sports pitches (football, hockey and cricket), bowls club, cricket nets and a basketball net.
72. Given the above assessment and the supporting evidence from the SHLAA assessment of the site, it is considered that the adverse impacts of the development in terms of social sustainability could be mitigated through the contributions towards expanded library and NHS provision, to be secured via a Section 106 agreement.

Economic sustainability:

73. The provision of 72 new dwellings will give rise to employment during the construction phase of the development, and has the potential to result in an increase in the use of local services and facilities, both of which will be of benefit to the local economy.
74. Overall, it is considered that the proposed development would achieve the social and economic elements of the definition of sustainable development, subject to the mitigation measures quoted above, which the applicant has agreed to in principle and can be secured via a Section 106 agreement.

**Density of development and affordable housing**

75. Officers consider that considerable weight can be given to the emerging allocation status of part of the site. It is the case the proposal does extend beyond the

boundaries of the allocation site and proposes more than the 50 units given as the indicative number for the allocation. However, the proposed density of the development would be 21 dwellings per hectare, lower than the 24 dwellings per hectare density of the emerging allocation.

76. Under the provisions of policy HG/2, the market housing provision of proposed schemes is required to include a minimum of 40% 1 or 2 bed properties. As 13 of the 43 properties in this scheme would have 2 bedrooms, the proposal falls short of the requirements of that policy. The policy states that approximately 25% of dwellings in residential schemes should be 3 bed and the same threshold applies to 4 or more. Given that 15 of the properties would have 3 bedrooms and 15 would have 4 or more, these property sizes are over-represented in the mix in relation to policy HG/2.
77. 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. As such, it is considered that the proposed housing mix is acceptable. As the application is outline only, a condition requiring this mix is recommended to ensure that the scheme policy compliant.

### **Character of the village edge and surrounding landscape**

78. Landscape Impact
79. In the SHLAA assessment which resulted in the site being put forward to its current status as an emerging site for housing development, the landscape impact of a proposed development was considered. The South Cambridgeshire Village Capacity Study 1998 describes Willingham as a Fen Edge village with a character influenced by the strong horticultural traditions of the locality, nurseries and orchards, and the resultant linear development. The landscape around Willingham is flat, being typical Fen character, particularly to the north and east where the land is arable grassland, with some hedgerows but few trees.
80. The SHLAA assessment considers that the landscape issues can be mitigated in part through careful design, with a need to preserve the historic environment and townscape character of the locality highlighted as particular issues. This assessment has translated into the emerging allocation policy which applies to the majority of the site (H/1:g). The development requirements of the policy states that the 'creation of a significant landscape buffer along the boundary of the site where it adjoins or could be seen from open countryside to provide a soft green village edge, and provide capacity for a sustainable drainage system.
81. Whilst the proposal does extent beyond the boundary of the proposed allocation site, it is considered that the revised illustrative layout provides a significant landscape buffer to the eastern edge and the south eastern corner of the site. This would be achieved through the relocation of the allotments which are currently located in the northern part of the main section of the site. The impact on the character of the open landscape to the east would be further reduced through the low density of scheme shown on the illustrative masterplan in the eastern part of the built area of the development.
82. Only 12 of the 72 units proposed would be located directly in the area of land included

within the application site which extends beyond the emerging allocation. It is considered that the indicative scheme provides officers with sufficient confidence that the approach of locating higher density development in the western part of the site, reducing this in the central section and having a low density in the eastern part of the site can be achieved without having an adverse impact on the character of the surrounding landscape.

83. This conclusion has been reached following a number of revisions to the illustrative plans in order to satisfy the comments from the urban design and landscape officers. The driveways to serve the properties on Rockmill End have been rationalised in a way that demonstrates that larger sections of the boundary hedge should be retained than originally proposed. Whilst the hedgerow on this section of Rockmill End is less mature than the hedgerow which mark the boundaries of the fields to the north of the site (extending into the countryside), it is still of amenity value and it is considered that these revisions have addressed the landscape officer's concerns in this regard.
84. The extent of hardstanding within the illustrative scheme has also been reduced and additional public open space in the eastern part of the site has been created through an improvement in the layout of the plots. The flatted development was originally proposed as one linked building which would 'turn' the north wester corner of the site. It is acknowledged that this would have been a more urban feature which would not have aided the transition of the site from forming the edge of the built environment out into the open countryside. The amended design has split the flats into two buildings and improved the layout of the private amenity space to serve these units.
85. The orientation of a number of the plots on the east-west spine road have been altered to create a more active frontage and the proposed areas of open space are now considered to be adequately overlooked.
86. In general terms, it is acknowledged that the illustrative layout includes a relatively regimented road layout which, alongside the lack of landscaping in these areas creates a more suburban feel to the layout than would be expected in a village edge location such as this. However, the Urban Design and Landscape Officer's both acknowledge that the principle of the number of units can be accommodated on the site, alongside the provision of a landscape buffer. The detail of the road structure and the positioning of plots would be defined under the layout element of a reserved matters application, should outline planning permission be granted.
87. Comments are also made by the UDO in relation to 'Lifetime Homes' being achieved across the site and this is a matter that will be resolved in the details of the reserved matters application. The applicant has committed to the provision of 10% of the energy used by the development to be provided by on site renewable energy sources, in compliance with policy, with the detail to be provided once the exact quantum of development is known at the reserved matters stage.
88. Trees
89. The arboricultural constraints plan submitted with the application indicates that the majority of the hedgerow on the western boundary of the site would be removed. The revised indicative layout would allow for more of the hedgerow in the north western corner to be retained, following amendments to the layout and pedestrian access arrangements for the flatted development. Rationalisation of the access to the plots along Rockmill End in the revised indicative scheme would allow sections of hedging to be retained along this frontage also. The Hawthorn hedge in the south eastern corner of the site would be retained, sections of the hedge on the eastern boundary

would be removed although this is considered to a category C specimen and therefore of relatively low amenity value. The removal of whole specimens would be limited to the dead English Elm and a fruit tree which is considered to be immature and of no amenity value.

90. The incorporation of new landscaping as part of the scheme would enable the development to assimilate into the surrounding landscape and help to soften the impact of the built form on the edge of the village. The Landscape Design Officer has suggested potentially positioning the new tree belt shown on the eastern and south eastern boundaries on the indicative masterplan on the western edge of the allotments to allow the allotments to form the final edge of the transition to open countryside and this is an approach that can be investigated at the reserved matters stage without compromising the principle of locating the buildings in the positions shown.
91. It is considered that a condition can be added to the outline permission requiring tree protection measures to be agreed. All other matters, including the number and location of the trees to be retained and removed will be decided at the reserved matters stage as these issues are dependent on the layout of the site being fixed.
92. Ecology
93. The application is supported by an ecological assessment and the site is generally considered to be of low biodiversity value. No suitable habitat was recorded to support reptile species and no activity/evidence of badgers was observed. None of the trees present on site were considered as potential roosts but bats would be likely to use hedgerows for feeding.
94. In relation to Great Crested Newts (GCN), the field itself was generally considered to be of low value but there are historical records of GCN in a pond 110m south of the site. The pond could not be accessed so a full assessment could not be made on this matter. Furthermore, it was considered that if the site was developed and GCN were present then an offence may occur. It is noted that the layout includes an attenuation area, it is very likely that should GCN be present on site that this area could be further enhanced to provide suitable habitat for the species.
95. In order to address the outstanding matter relating to GCN a condition is proposed to be attached to the outline application which would require a survey of the site assessing the potential for Newts, within 3 months after the commencement of development. The assessment shall include, but not be limited to, a Habitat Suitability Index assessment of the pond located approximately 110m to the south of the application site (referred to as pond TN1 in the report "Ecological Survey, Willingham Glebe Land, Cambridgeshire" by Norfolk Wildlife Services July 2015).
96. The hedgerows were identified as providing habitat for nesting birds, including five species of conservation concern. The hedgerows bounding the site should be fully retained where possible. A standard condition can be attached to the permission to control the removal of vegetation during the bird breeding season.
97. A condition is recommended at the outline stage to secure the provision of a scheme of bird and bat box provision.

#### **Highway safety and parking**

98. The Transportation Team, having requested additional information from the applicant,

has confirmed that it has no objection to the proposed scheme in terms of impact on existing highway conditions, trip generation and distribution, and transport impact. The Highway Authority considers that there is no evidence to suggest that the proposed development would exacerbate the existing road safety risks in the locality. The scheme is considered to be sustainable from an access point of view as all of Willingham is within walking distance (2km) from the application site.

99. The Highway Authority has pointed out that the existing footpath along the northern side of Silver Street would need to be upgraded and extended to ensure safe pedestrian access into the main centre of Willingham could be secured. The applicant has agreed to the principle of this requirement, which can be secured through a legal agreement with the County Council as Highway Authority. A planning condition requiring this obligation to be secured can be added at the outline stage. Likewise, details of a scheme for the upgrading of the bus stop facilities adjacent to the site on Rockmill End and Wilford Furlong can also be secured by condition. A detailed travel plan for the development will be required at the reserved matters stage. No objection has been raised to the principle of the access point proposed.

### **Residential amenity**

100. 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. The revised indicative layout plan is considered to indicate that the separation distances as prescribed in the adopted design guide (25 metres between elevations with habitable windows, 13 metres from elevations with windows facing blank elevations) can be achieved in terms of loss of light, overbearing and overlooking issues. It is considered that sufficient separation could be retained to the side elevation of 30 Rockmill End could be adequately preserved at the detailed stage.
101. 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 neighbouring properties or the occupants of the proposed development.

### **Surface water and foul water drainage**

102. Surface water drainage
103. The Old West Internal Drainage Board (IDB) has been consulted on the application. No objection has been raised however, they have pointed out that, whilst outside of the area directly controlled by the IDB, surface water from the development would be likely to drain into the area within its control. The IDB has not raised any objection to the proposal on the basis that a legal agreement would need to be entered into in order to secure a pro-rata contribution of £14,800 per impermeable hectare of development to mitigate the impact of the surface water run off exceeding the greenfield rate. This can be secured as a condition on the outline planning application.
104. 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.

105. The Environment Agency requires conditions to be included in any consent preventing surface water and contamination issues in a sensitive area. These can be included in any consent.
106. Foul water drainage
107. Anglian Water has commented that the existing Over Water Recycling Centre, which would treat wastewater from the proposed development, does not currently have capacity to treat the flows from the development. In their response, they have confirmed that they are legally obliged to undertake the works required to treat the additional flows.
108. In terms of foul water. Anglian Water has confirmed that there is capacity within the sewage network to cope with the additional demands placed on the existing infrastructure.

### **Section 106 contributions**

109. In addition to the requirements of the County Council as Education Authority and the NHS already identified in this report, the Section 106 Officer has confirmed that the 500 square metres equipped area of open space to be provided is compliant with the Open Space SPD for developments of this size. A contribution of approximately £70,000 (made up of a tariff based contribution based on housing mix) is considered necessary to provide a contribution to the upgrading and extending of the sports pavilion at the recreation ground. As there have been no pooled contributions made towards this infrastructure previously, this contribution is considered to be compliant with the CIL regulations. The on site informal public open space provision is considered to be sufficient to ensure that no offsite requirement should be sought.
110. It is considered that a contribution of £35,000 towards the extension of the Ploughman Hall would allow the scheme to comply with current and emerging local policies which require the impact of development on the capacity of community indoor facilities to be mitigated. This extension would facilitate the creation of an additional meeting room for community use. As there have been no pooled contributions made towards this infrastructure previously, this contribution is considered to be compliant with the CIL regulations.
111. Household Waste Receptacles charged at £72.50 per dwelling and a monitoring fee of £1,500 (flat fee), along with all of the other requirements to be secured through the section 106 detailed in this section and previously in the report lead to a total of £455,181.44, although the final figure is dependent upon housing mix which is to be finalised under scale at the reserved matter stage. This excludes the County Council's requirements as Highway Authority and the contribution required by the Internal Drainage Board, which will be secured via agreements to be secured through the recommended planning conditions.

### **Other matters**

112. Archaeology and Heritage
113. The site has been the subject of a detailed evaluation which has highlighted the archaeological significance of the site as there is evidence of Roman settlement in the area. Additional work has been undertaken by the applicant and the County Council Archaeologist is satisfied that, subject to a condition requiring a remediation strategy to be agreed, the impact of development on the site can be mitigated in this regard.

Such a condition can be imposed at this outline stage.

114. The SHLAA assessment of the site considered that the setting of the Willingham conservation area (the boundary of which is approximately 150 metres south west of the site) would not be adversely affected by the development of the site, subject to the careful design of the scheme. The same assessment was made regarding the setting of listed buildings. Whilst there are a number of grade II listed structures within the conservation area, the closest is 190 metres south west of the site.
115. Historic England included in their consultation comments a suggested condition limiting the built form to 2 storeys in height, with specific reference to the Belsar Hill Scheduled Ancient Monument, located to the east of the site. The revised masterplan has reduced the height of the row of 3 townhouses shown adjacent to the flattened development to 2 storeys.
116. It is considered that significant views of the Belsar Hill Ancient Monument would not be detrimentally obscured by the 2 storey height of the scheme as a whole. The reduction in the density through the site in an easterly direction and the location of the allotments are considered to be significant factors in mitigating the impact of the development on the setting of the Scheduled Ancient Monument to an acceptable degree. It is considered unnecessary to impose a condition that the height of development should be restricted to 2 storeys at the reserved outline stage as the scale of development is a reserved matter.
117. 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.” It is considered that the amended indicative layout would not have any adverse affect on the setting of the grade II listed buildings located at the eastern end of the conservation area, which are located in excess of 150 square metres from the site. Given that there is existing residential development on the western side of site, it is considered that development of a maximum of 72 units as shown on the indicative layout on the site would not have an adverse impact on the setting of the conservation area.
118. The District Council conservation officer has raised no objections to the outline proposals.

#### Environmental Health

119. The Public Health Specialist has commented that the Health Impact Assessment has been assessed as Grade B, which meets the required standard of the SPD Policy. The scheme is therefore acceptable in this regard.
120. There is no objection to the proposal in respect of air quality. However, to ensure that sensitive receptors in the vicinity of the development are not affected by the negative impact of construction work such as dust and noise, as well as ensuring that the applicant complies with the Council’s low emission strategy for a development of this scale, conditions should be included that require the submission of a Construction Environmental Management Plan/Dust Management Plan, and an electronic vehicle charging infrastructure strategy.
121. It is considered that further assessment of the potential noise generated by traffic and vehicle movements on Rockmill End is required and the implications in terms of sound insulation measures which may need to be incorporated into the buildings that would

front onto the highway. This assessment can be secured by condition at the outline stage. An assessment of the impact of artificial lighting resulting from the development can also be secured by condition in order to ensure that the strength of such light does not have any adverse impact on the amenity of neighbouring properties or the surrounding area.

122. The site is considered to be a low risk in relation to land contamination and as such it is considered that a scheme of investigation into any potential harm and suitable remediation can be secured by condition at this outline stage, to ensure that the detailed layout does not result in any adverse impact in this regard, acknowledging the sensitive end use proposed for the site.
123. Noise, vibration and dust minimisation plans will be required to ensure that the construction phase of the scheme would not have an adverse impact on the amenity of neighbouring residents. These details shall be secured by condition, along with a restriction on the hours during which power operated machinery should be used during the construction phase of the development and details of the phasing of the development.
124. The applicant will be required to complete a Waste Design Toolkit at the reserved matters stage in order to show how it is intended to address the waste management infrastructure, and technical requirements within the RECAP Waste Design Management Design Guide. In addition conditions should secure the submission of a Site Waste Management Plan. Provision of domestic waste receptacles by the developer will be secured via the Section 106 agreement. The developer should ensure that the highway design allows for the use of waste collection vehicles and this is a detailed matter relating to the layout of the scheme at the reserved matters stage.
125. The applicant has indicated that a minimum of 10% of the energy needs generated by the development can be secured through renewable sources. A condition will be required to ensure that the noise impact of any plant or equipment for any renewable energy provision such as air source heat pumps is fully assessed and any impact mitigated.

#### Prematurity

126. As outlined above in light of the appeal decisions at Waterbeach regarding the 5 year land supply this application needs to be considered against policies in the NPPF. However Members also need to address the issue of whether the approval of development on this site would be premature in respect of the consideration of the Submission Local Plan.
127. The Planning Practice Guidance states that the NPPF explains how weight may be given to policies in emerging plans. It states that in the context of the NPPF and the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify refusal of planning permission, other than where it is clear that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, taking the NPPF policies and any other material considerations into account.
128. The PPG indicates that such circumstances are likely to be limited to situations where both the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location of phasing of new development that are central to an emerging local plan; and the emerging plan is at an



advance stage but is not yet formally part of the development plan for the area.

129. Where permission is refused on grounds of prematurity, the PPG states that a Local Planning Authority will need to clearly indicate how the grant of permission would prejudice the outcome of the plan-making process.
130. Following the assessment in throughout this report, it is considered that the harm arising from the proposal would be less than substantial when conducting the balancing act of weighing the benefits against the harm caused by the scheme.

#### Cumulative Impact

131. Officers are aware that there are two other large scale applications for residential development in Willingham where the principle of development relies on the District Council's deficit in five year housing land supply. These are: residential development on land to the rear of 1b Over Road (26 units including 10 affordable) and land off Haden Way (64 units with 40% affordable). These developments alongside the proposal being considered in this application would have a cumulative impact on the level and capacity of services and facilities in Willingham.
132. However, officers are satisfied that the emerging allocation of a large part of the application site can be given significant weight in the determination of this application due to the limited number and nature of the objections offered during the Local Plan consultation. This status does not apply to the other two sites. In addition, the other two applications are not at as an advanced stage in the assessment process with issues remaining to be resolved. It is also clear what the mitigation measures are, along with the associated costs of offsetting the impacts of this development on the capacity of the services and facilities in Willingham. As such, officers are content that the sustainability credentials of this proposal have been demonstrated satisfactorily and that approval of this application would not prejudice the outcome of the other two applications.

#### Conclusion

133. Policy ST/5 and DP/7 of the LDF are considered to carry some weight in the determination of this application. Despite being considered out of date, the purpose of these policies is to restrict the number of residential units permitted in Minor Rural Centres as secondary to Rural Centres in the hierarchy of settlements. This remains a valid purpose in assessing the overall impact of the proposal. Policies HG/1, HG/2 and HG/3 are all housing policies which are considered to carry some weight in the decision making process as these relate to the density of development, housing mix and affordable housing, all of which contribute to sustainable development. Some weight is also being attached to the emerging policies in this regard. This assessment of weight is considered in light of the fact that the majority of the site has been assessed as a sustainable location for the proposed development through the SHLAA process, with the impact of the additional development proposed considered not to be harmful in social or environmental sustainability terms. In relation to the other relevant policies of the LDF as quoted in this report are considered to be consistent with the definition of sustainable development as set out in the NPPF and therefore have been given some weight in the assessment of this application.
134. A large proportion of the application site is proposed to be allocated for housing development in the emerging Local Plan under policy H/1(g). It is the case that the proposed development exceeds both the site area and the indicative number of units that are proposed in the emerging allocation and therefore the question regarding the

principle of development relies largely on whether or not the scheme meets the definition of sustainable development as defined in the NPPF.

135. Nevertheless, the emerging allocation status of a large part of the site is clearly a material consideration in the assessment of the planning application as it is considered that significant weight should be attributed to this policy in the decision making process due to the limited nature and number of the objections that have been received to the emerging policy throughout the Local Plan consultation process. In light of the Council's inability to demonstrate a five year supply of housing land, the emerging policy and the definition of sustainable development as set out in the NPPF are considered to carry more weight than policy ST/5 or policy DP/7 which would restrict development to below the 72 units proposed.
136. Willingham is classified as a Minor Rural Centre and is considered to have a good range of services and facilities as outlined in the main body of this report. The site is located close to existing bus services and the developer has agreed to a package of enhancements including the upgrading of nearby bus shelters and the footpath connecting the site to local facilities. It is considered that the deficit in capacity at the primary school and the doctor's surgery can be adequately addressed through extensions to these facilities which can be secured via the section 106 Agreement. The fact that bus services exist close to the site which would allow commuting to and from Cambridge is both a social and an environmental benefit of the scheme.
137. In addition to the ability to mitigate the harm in relation to the capacity of services and facilities, it is considered that the scheme includes positive elements which enhance social sustainability. These include the provision of 40% affordable housing within the development and public open space, including equipped open space. The package of contributions to be secured through the Section 106 towards the enhancement of offsite community facilities would be a wider benefit of the proposals, further enhancing the social sustainability of the scheme.
138. It is considered that the illustrative masterplan is sufficient to demonstrate that 72 units could be located on the site in a manner that would allow a significant landscape buffer to be retained on the eastern edge of the site and allow a transition from higher density in the western portion of the site, which is viewed within the context of the existing residential development on the western side of Rockmill End, through to a lower density of development in the eastern part of the site. The layout at this stage is indicative only and it is considered that the landscape and urban design comments can be addressed at the reserved matter stage as the principal of development at the quantum proposed is accepted.
139. It is considered that the issues raised in relation to environmental health, trees and ecology can be dealt with by condition.
140. Overall, it is considered that the significant contribution that 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 potential landscape and environmental disbenefits. None of these disbenefits are considered to result in significant

t and demonstrable harm and therefore, it is considered that the proposal achieves the definition of sustainable development as set out in the NPPF.

### **Recommendation**

141. Officers recommend that the Committee grants planning permission, subject to conditions based on the following and grant delegated powers to officers to complete the section 106 agreement (covering issues outlined in this report).

#### **Draft conditions**

- (a) Outline planning permission
- (b) Time limit for submission of reserved matters
- (c) Time limit for implementation – within 5 years
- (d) Approved plans
- (e) Landscaping details
- (f) Contaminated land assessment
- (g) Dust, noise, vibration mitigation strategy
- (h) Noise assessment relating to impact of road traffic on properties fronting Rockmill End – including necessary mitigation measures
- (i) Details of renewable energy generation within the development and associated noise assessment and mitigation measures – 10% renewables and compliance.
- (j) Scheme to detail upgrading of highway facilities including public footpath and bus shelters
- (k) Scheme for the provision of contributions towards the increased capacity requirements of drainage network controlled by Old West IDB
- (l) Foul water drainage scheme
- (m) Surface water drainage scheme
- (n) Sustainable drainage strategy
- (o) Tree Protection measures
- (p) Compliance with flood risk assessment
- (q) Traffic Management Plan
- (r) Time restriction on the removal of trees
- (s) Detailed plans of the construction of the accesses
- (t) Pedestrian visibility splays
- (u) Ecological enhancements including bird and bat boxes
- (v) Scheme of archaeological investigation
- (w) Site waste management plan
- (x) Restriction on the hours of power operated machinery during construction
- (y) Phasing of construction
- (z) Approved ecological surveys
- (aa) Compliance with ecological survey submitted
- (bb) External lighting to be agreed
- (cc) Cycle storage
- (dd) Housing mix within market element to be policy compliant
- (ee) Screened storage
- (ff) Boundary treatments
- (gg) Waste water management plan
- (hh) Construction environment management plan
- (ii) Details of piled foundations
- (jj) Fire hydrant locations
- (kk) Cycle storage

#### **Informatives**

- (a) Environmental health informatives
- (b) Exclusion of indicative plans from approval

**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/2833/15/OL

**Report Author:**

David Thompson  
Telephone Number:

Principal Planning Officer  
01954 713250

Ref	Type	Policy	Required	Detail	Quantum	Fixed contribution / Tariff	Officer agreed	Applicant agreed	Number Pooled obligations
Cambridgeshire County Council									
CCC1	Early years	DP/4	NO	<p>According to County Council guidance the development is expected to generate a net increase of 8 early years aged children, of which S106 contributions would be sought for 4 children.</p> <p>In terms of early year's capacity, County education officers have confirmed that there is sufficient capacity in the area in the next 3 years to accommodate the places being generated by this development.</p>					
CCC2	Primary School	DP/4	YES	<p>According to County Council guidance the development is expected to generate a net increase of 14 primary education aged children. This development lies within the catchment area of Willingham Primary School.</p> <p>To mitigate the impact of the 3 major planning applications in Willingham a primary school extension is required, consisting of 123m2 of additional classroom and associated ancillary spaces.</p> <p>The current estimated cost is in the order of £700K @ 4Q15. This will ensure that there are sufficient teaching spaces. The total cost of £700,000 has therefore been proportioned across the three developments, based on the number of dwellings each is proposing.</p> <p>Despite a technical solution being found, the County Councils remain concerned remain that this solution could be significantly disruption to the effective delivery of high quality education provision at the school.</p>	£315,000	Fixed fee	YES	TBC	Currently no contributions have been pooled for this infrastructure project although a number of live requests have been made in relation to undetermined applications

CCC3	Secondary school	DP/4	NO	<p>According to County Council guidance the development is expected to generate a net increase of 7 secondary education aged children.</p> <p>The catchment school is Cottenham Village College. County education officers have confirmed that at present Cottenham Village College has sufficient capacity to accommodate the secondary places generated by the development.</p>					
CCC4	Libraries and lifelong learning	DP/4		<p>This new development would result in an increase in population of 65 residents (26 x 2.5). Willingham is served by a small library and as this is currently at capacity the County Council would require a contribution of £60.02 per head of increase of population to mitigate the impact arising from this development.</p> <p>The libraries and lifelong learning contribution would be used to contribute towards the internal modification of the library to increase the library operational space, shelving to accommodate new books and resources, and additional furniture, books and resources to meet the demands of the new residents.</p>	£4,321.44	Fixed	YES	TBC	
CCC5	Strategic waste	RECAP WMDG	NO	Pooling limit reached such that no further contributions may be secured					
CCC6	Transport	TR/3		No request made by Cambridgeshire County Council					
South Cambridgeshire District Council									
SCDC1	Offsite open space (sport)	SF/10	YES	<p>The recreation study of 2013 identified Willingham required 6.58 ha of sports space whereas it only had 4.02 ha and therefore experienced a deficit of 2.56 ha sports space.</p> <p>The open space audit went on to highlight that:</p>	£70,000 (circa)	Tariff	YES	TBC	Currently no contributions have been pooled for this infrastructure project although a number of

				<ul style="list-style-type: none"> <li>• The village has one recreation ground with one junior football pitch, two senior pitch, two mini soccer pitches, cricket square, play area, a bowls green and a pavilion.</li> <li>• The pavilion was extended and refurbished in 2006 as part of a £100,000 project.</li> <li>• Willingham Cricket Club and Willingham Wolves junior football club have teams from</li> <li>• U8's to U15's girls and boys and in excess of 150 children.</li> <li>• Willingham Parish council are looking at developing an outdoor gym, Skate Park, enhanced play equipment and a teenage shelter.</li> </ul> <p>The recreation study also highlighted that the sports pavilion needed to be extended and re-furbished and it is this project that officers are proposing including in the section 106 agreement.</p> <p>Offsite financial contributions are proposed being secured in accordance with the rates published in the open space in new developments SPD as follows:</p> <p>1 bed £625.73                  2 bed £817.17                  3 bed £1,150.04                  4 bed £1,550.31</p>					live requests have been made in relation to undetermined applications
SCDC2	Open space (children's play)	SF/10	YES	<p>The recreation study of 2013 identified Willingham required 3.29 ha of sports space whereas it only had 0.11 ha and therefore experienced a deficit of 3.18 ha children's play space.</p> <p>Since that assessment was undertaken additional play space has</p>	Onsite provision		YES	TBC	None

				<p>been provided at the Queen Elizabeth II playing field, however there remains a significant shortfall.</p> <p>In accordance with the open space in new developments SPD a LEAP comprising 9 items of equipment for 4-8 year olds over an activity area of 500m2 is required on developments on 50 dwellings or above.</p>					
SCDC3	Open space (informal open space)	SF/10	YES	The development is of a sufficient scale for onsite informal open space being provided therefore no offsite contributions are required.	Onsite provision				None
SCDC4	Offsite indoor community space	DP/4	YES	<p>The community facility audit of 2009 identified that despite community space being provided across Willingham Plough Hall and Willingham Public Hall, the village experienced a deficit of 110 square metres of indoor community space. The audit also highlighted several measures to improve the condition and use of the facilities.</p> <p>Willingham is defined as a Minor Rural Centre in the Core Strategy and in accordance with the Community Facilities Audit 2009 the proposed standard for Minor Rural Centres is as follows:</p> <ul style="list-style-type: none"> <li>• Rural Centres should have at least one good sized facility which offers access to community groups at competitive rates.</li> <li>• The centre should feature one main hall space suitable for various uses, including casual sport and physical activity; theatrical rehearsals/performances and social functions. The facility should also offer at least one meeting room.</li> <li>• All facilities, including toilets, should</li> </ul>	£35,000	Tariff	YES	TBC	Currently no contributions have been pooled for this infrastructure project although a number of live requests have been made in relation to undetermined applications



				<p>be fully accessible, or retro-fitted to ensure compliance with Disability Discrimination Act legislation wherever possible.</p> <ul style="list-style-type: none"> <li>• Facilities should include a kitchen/catering area for the preparation of food and drink. The venue should have the capacity for Temporary Events for functions which serve alcohol.</li> <li>• Where practical and achievable, new build facilities should be delivered with appropriate energy-efficiency measures in place, although this should be undertaken with the balance of expenditure/saving in mind, given the likely hours of usage.</li> <li>• Facilities should be designed to offer ease of management, as volunteers are likely to be primarily responsible for day to day upkeep.</li> </ul> <p>The contribution required as per the indoor community space policy would be:</p> <p>1 bed - £284.08 2 bed - £371.00 3 bed - £513.04 4+ bed - £703.84</p> <p>In order to provide sufficient indoor community space for the village Willingham Parish Council have proposed an extension to the Ploughman Hall to provide a meeting room and general facilities for the use of the village.</p>					
SCDC5	Household waste receptacles	RECAP WMDG	YES	£72.50 per dwelling	£5,220 (circa)	Tariff	YES	TBC	None
SCDC6	S106 monitoring		YES	A fee of £1,500	£1,500	Fixed fee	YES	TBC	

Non standard requirements										
OTHER1	Health	DP/4	YES	<p>This development is likely to have an impact on the services of 1 GP Practice within the locality, Willingham Surgery. This GP practice does not have capacity for the additional growth as a result of this development.</p> <p>Therefore a HIA has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.</p> <p>The development would give rise to a need for Improvements to capacity by way of extension, refurbishment; reconfiguration or relocation at the existing practice(s) that would need to be met by the developer.</p>	£24,140	Fixed fee				Currently no contributions have been pooled for this infrastructure project although a number of live requests have been made in relation to undetermined applications
<p><b>TOTAL - £455,181.44 (subject to final housing mix and excluding cost of providing onsite LEAP)</b></p> <p><b>PER DWELLING - £6,321.96 (subject to final housing mix and excluding cost of providing onsite LEAP)</b></p>										

NB. This note covers only infrastructure that is to be secured via a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended). Planning applications are often required to also provide new or improvements to existing infrastructure including but not limited to highways, drainage and biodiversity. Such measures will be secured via a planning condition and details of these are set out in the planning committee report.



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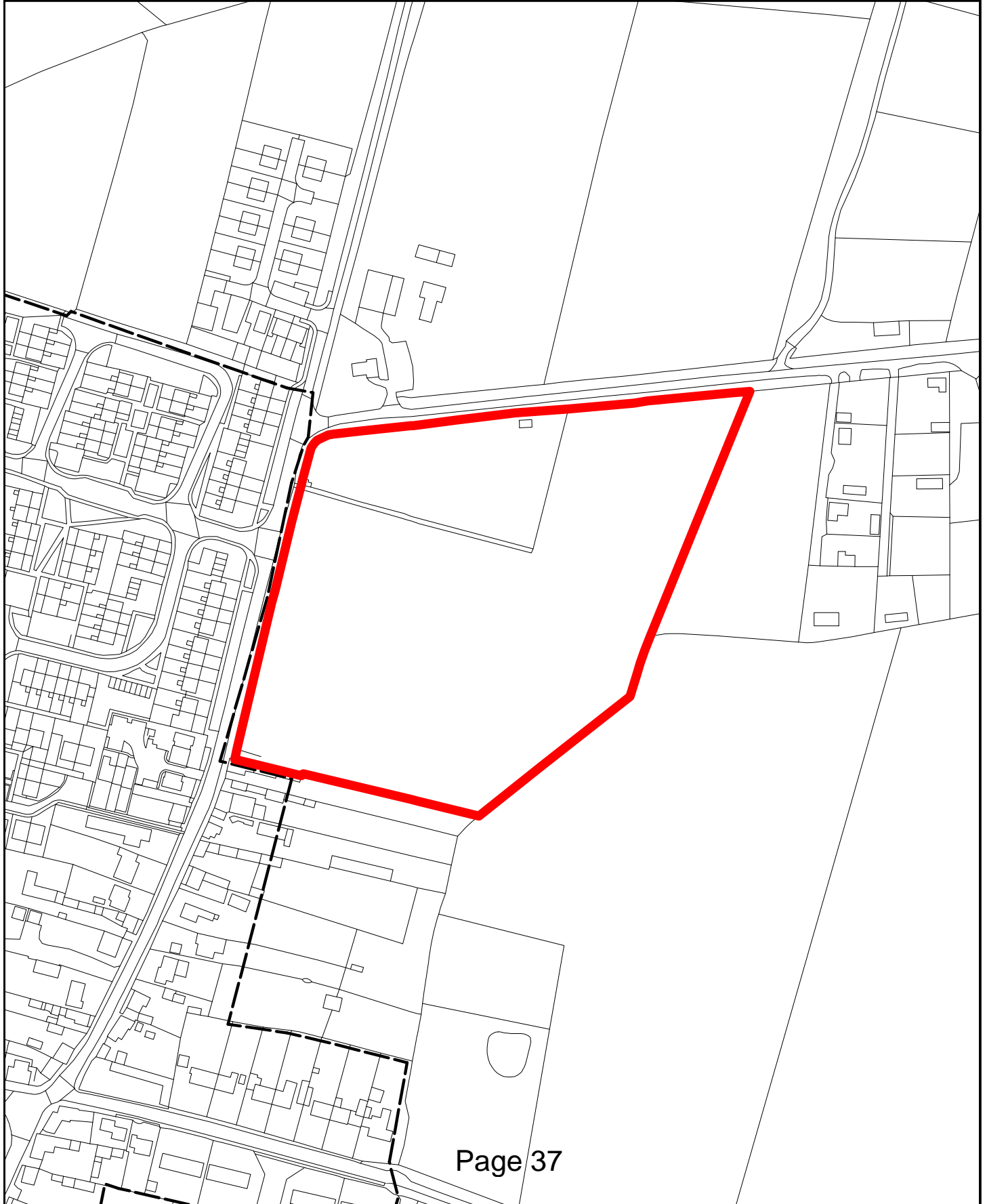
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# Agenda Item 5

## aSOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

11 May 2016

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

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<b>Application Number:</b>	S/2204/15/OL
<b>Parish(es):</b>	Toft (immediately adjacent to the boundary with Comberton Parish)
<b>Proposal:</b>	Outline planning permission for up to 90 dwellings, car park, football pitch and changing facilities and associated infrastructure works
<b>Site address:</b>	West Street, Toft, Cambridge, Cambridgeshire, CB23 7EN
<b>Applicant(s):</b>	Mr Arnold
<b>Recommendation:</b>	Delegated approval (to complete section 106)
<b>Key material considerations:</b>	Five year supply of housing land Sustainability of the location Principle of development in the Green Belt 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 Provision of formal and informal open space Section 106 Contributions
<b>Committee Site Visit:</b>	Yes
<b>Departure Application:</b>	Yes
<b>Presenting Officer:</b>	David Thompson, Principal Planning Officer
<b>Application brought to Committee because:</b>	The officer recommendation of approval conflicts with the recommendation of both Toft and Comberton Parish Councils
<b>Date by which decision due:</b>	31 May 2015 (extension of time agreed)

### Executive Summary

1. The application site is currently located in the Green Belt. In accordance with the guidance contained within the NPPF and policy GB/1 of the Local Plan (which is given significant weight by officers due to the conformity of that policy with the NPPF), residential development is inappropriate development in the Green Belt and therefore is

by definition harmful to the openness of the Green Belt. Both national and local planning policy require very special circumstances to be demonstrated and for the Local Planning Authority to be satisfied that the benefits of the proposal clearly and demonstrably outweigh the harm to the Green Belt through the inappropriateness of the development.

The application is outline only and the only matters to be decided at this stage are the means of access and the principle of the erection of up to 90 dwellings and the other facilities listed in the description of development on the site. It is considered that the revised illustrative masterplan submitted with the application demonstrates that a maximum of 90 units could be provided on the site, along with the football pitch and changing facilities, the required level of formal and informal open space and surface water attenuation measures can be accommodated on the site. It is considered that the illustrative layout indicates that this could be achieved without having an adverse impact on the character of the village edge or the surrounding Green Belt, within the context of the proposed allocation status of the site.

Following the submission of a revised Transport Statement, it is considered that the proposal would not result in an adverse impact on highway safety. The initial objections to the scheme raised by the Major Developments team at Cambridgeshire County Council have been addressed and as a result there are no objections to the scheme from the Local Highway Authority.

A significant number of objections from local residents and the Parish Councils have raised surface water run off and foul drainage capacity as a concern in relation to the proposed development. Anglian Water has acknowledged the fact that the existing foul drainage infrastructure has insufficient capacity to deal with the additional demands that will be placed on the system by the proposed development. However, mitigation measures are proposed which would overcome these concerns and the costs associated with upgrading the capacity of the network can be secured. The applicant has agreed to this. This issue is assessed in detail in the main body of this report.

Officers are satisfied that the very special circumstances advanced by the applicant are sufficient to demonstrate that the benefits of the proposal do clearly outweigh the harm caused by the inappropriateness of the development. The status of the site as an allocation for housing development in the emerging Local Plan is given considerable weight in reaching this conclusion, alongside the Council's current inability to demonstrate a five year supply of housing land and the conclusion of officers that the proposals achieve the definition of sustainable development as set out in the NPPF. These issues are dealt with in detail in the main body of the report.

### **Planning History**

2. S/1623/15/E1 – request for screening opinion as to whether Environmental Impact Assessment (EIA) development – not considered to be EIA development

S/0451/07/F – erection of new dwelling following demolition of existing - withdrawn

S/0068/98/F – agricultural storage building (retrospective application) - approved

S/0360/95/F – change of use of farm offices to B1, B2 and B8 use and conversion of part of farm buildings to farm offices – approved

S/1152/87/F – extensions to pond – approved

Nb. Neighbour representations have referred to previous applications for residential development on the site. There is no such history of planning applications. An option

for 115 units was included in the 2013 Issues and Options Report which formed part of the preparation of the Local Plan but the lower figure of 90 was eventually put forward in the emerging allocations policy in light of the requirement to also provide the other facilities.

### **National Guidance**

3. 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.

4. **South Cambridgeshire LDF Core Strategy DPD, 2007**  
ST/1 Green Belt  
ST/2 Housing Provision  
ST/6 Group Villages  
ST/7 Infill Villages
5. **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  
GB/1 Development in the Green Belt  
GB/2 Mitigating the Impact of Development in the Green Belt  
HG/1 Housing Density  
HG/2 Housing Mix  
HG/3 Affordable Housing  
CH/5 Conservation Areas  
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
6. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

Open Space in New Developments SPD - Adopted January 2009  
Affordable Housing SPD - Adopted March 2010  
Trees & Development Sites SPD - Adopted January 2009  
Landscape in New Developments SPD - Adopted March 2010  
Biodiversity SPD - Adopted July 2009  
District Design Guide SPD - Adopted March 2010  
Health Impact Assessment SPD– Adopted March 2011

7. **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/4 Cambridge Green Belt

S/5 Provision of New Jobs and Homes

S/6 The Development Strategy to 2031

S/7 Development Frameworks

S/9 Minor Rural Centres

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/8 Mitigating the Impact of Development in and adjoining the Green Belt

NH/14 Heritage Assets

CC/1 Mitigation and Adaptation to Climate Change

CC/3 Renewable and Low Carbon Energy in New Developments

CC/4 Sustainable Design and Construction

CC/6 Construction Methods

CC/9 Managing Flood Risk

SC/2 Health 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**

8. **Toft Parish Council** – objected to both the original and revised schemes and raised the following concerns:

- The site is located in the Green Belt and the proposal therefore constitutes inappropriate development
- 3 storey and 2.5 storey development is not considered to be appropriate in this location and the scheme should be built out at a lower density
- There is a lack of capacity in the foul sewage system which must be addressed to accommodate the additional demand generated by the proposed development
- The football pitch is not wanted in either Toft or Comberton
- The development should provide more opportunities for cycling than it currently does



- The concerns regarding impact on the Green Belt, drainage, volume of additional traffic, highway safety concerns and the lack of capacity at the GP surgery outweigh the benefits of the additional housing, including affordable housing
- Should the proposal be considered for approval, the speed of broadband in the area should be improved, the scheme should incorporate renewable energy generation and biodiversity enhancements
- The proposal will add to the already detrimental amount of traffic congestion on this part of West Street, adjacent to the Village College.

9. **Comberton Parish Council** - objected to both the original and revised schemes and raised the following concerns:

- The site is located in the Green Belt and the proposal therefore constitutes inappropriate development
- 3 storey and 2.5 storey development is not considered to be appropriate in this location
- The existing congestion outside the Village College would be made worse by the proposed development
- The Doctors surgery at Comberton is at capacity and therefore residents will need to travel to access medical services
- There is no need for the football pitch following the upgrading of the facilities at Comberton recreation ground
- The main access should be moved to the west of the proposed football pitch where there is an existing access to the Bennell Court office complex
- Road traffic calming measures should be introduced on the western edge of Comberton
- The proposed footpath link is welcomed but this should also include a cycleway
- The speed limit actuated signs proposed along West Street are welcomed but these should include the speed a car is travelling to incentivise reduced speed
- There is a lack of capacity in the foul sewage system which must be addressed to accommodate the additional demand generated by the proposed development
- If SCDC is minded to approve the application, all affordable housing should be rented, the ransom strip should be removed from the plans, the Section 106 money should be allocated to Comberton Parish Council, allotments should be provided instead of a football pitch, lighting around the car park area should be sensitive

(Nb. Please see representations section below for the comments of each Parish Council to the emerging allocation of the site.)

10. **District Council Planning Policy Officer** - The site is included in the Cambridge Green Belt. It has been allocated for development in the Submission Local Plan, the Council having judged through the SHLAA and Local Plan preparation processes that the site is suitable for development and that whilst there are adverse Green Belt impacts these are not significant.

Notwithstanding the limited harm to Green Belt purposes identified, substantial weight should be accorded to this in your report as required by national policy. This should be balanced against other material considerations.

These include:

- The overall acceptability of the development, especially concerning matters raised as objections to the proposed site allocation in the Proposed Submission Local Plan.
- Its allocation in the Local Plan which is at an advanced stage or preparation.
- The limited harm to Green Belt purposes identified in the SHLAA assessment which led to it being included as a site allocation in the emerging Local Plan.

- The provision of affordable housing to meet identified local needs in Toft and Comberton (data on the scale of local needs should be sought from housing colleagues and included in your report)
  - The other benefits advanced by the applicants or alternatives to them.
  - The contribution that the development of the site could make towards housing land supply and 5 year housing land supply – by itself ‘unlikely to outweigh’ but it should be included in the planning balance to be made.
11. The harm to Green Belt purposes should be viewed in the context of the harm that the development of this allocated site would cause in the future, thereby considerably lessening the overall harm of the proposal. The site will be removed from the Green Belt
12. Overall I would advocate a recommendation of approval but subject to the site being satisfactory with regard to such matters as congestion, pedestrian safety, flooding and drainage, sewage capacity and etc.
13. **District Council Environmental Health Officer (EHO)** – The Public Health Specialist has commented that the Health Impact Assessment has been assessed as Grade B, which meets the required standard of the SPD Policy. The scheme is therefore acceptable in this regard.

Further assessment of the potential noise generated by the use of the football pitch and the impact that this may have on the residential amenity of the occupants of the dwellings will be required to ensure that adequate attenuation measures are put in place, if required. Details of any lighting to be installed will also need to be provided with information which demonstrates that the level of light pollution would not have an adverse impact on the residential amenity of the properties.

Noise, vibration and dust minimisation plans will be required to ensure that the construction phase of the scheme would not have an adverse impact on the amenity of neighbouring residents. These details shall be secured by condition, along with a restriction on the hours during which power operated machinery should be used during the construction phase of the development and details of the phasing of the development.

The applicant will be required to complete a Waste Design Toolkit at the reserved matters stage in order to show how it is intended to address the waste management infrastructure, and technical requirements within the RECAP Waste Design Management Design Guide. In addition conditions should secure the submission of a Site Waste Management Plan. Provision of domestic waste receptacles by the developer will be secured via the Section 106 agreement.

14. **District Council Urban Design Officer** – does not object to the principle of development following amendments to the illustrative masterplan and acknowledges that improvements to the indicative layout have been made but does express reservations as to whether 90 dwellings could be accommodated on the site without having an adverse impact on the character of the site and the Green Belt.
15. **Design Enabling Panel** – conclude that ‘a more detailed layout and rationale will allow the Panel to usefully engage with this proposal. The Panel encourages the applicant’s architect to address the issues raised by at the meeting and return with a robust and well argued case that is appropriate for the site.’ Main concerns raised are summarised as follows:

The Panel had some concerns about the evolution of the illustrative design of the proposals as the scheme presented did not clearly reference the strong linear pattern of development on the existing village edge and the rationale behind the character areas within the development was not clearly explained. Examples of precedents for the design approach taken not been fully justified and the blocks of development appeared incongruous with the prevailing character of the locality. Insufficient evidence presented or evident within the village that 3 storey development would be appropriate in this location.

16. **District Council Landscape Design Officer** - does not object to the principle of development following amendments to the illustrative masterplan and acknowledges that improvements to the indicative layout have been made but does express reservations as to whether 90 dwellings could be accommodated on the site without having an adverse impact on the character of the site and the Green Belt.
17. **Cambridgeshire County Council Transport Assessment Team** – no objection to the proposals following the submission of additional information in relation to the capacity of the car park. Consider that there is no evidence to suggest that the proposed development would exacerbate the existing road safety risks in the locality. It is considered that the additional information regarding the capacity of the car park to be used alongside the sports pitch is satisfactory, on the basis that details of the management of the use of the car park by users of this facility and the Village College are secured by condition, to prevent conflict between the two. No objection to the proposed access into the site. Conditions recommended regarding the management of traffic and storage of materials during construction and issues relating to the phasing of development. Road and bus stop upgrading measures to be secured by legal agreement
18. **Cambridgeshire County Council Historic Environment Team** – no objection in terms of the archaeological significance of the site and no further survey work is considered necessary
19. **Cambridgeshire County Council Flood & Water Team** – no objection subject to the securing of the sustainable urban drainage facility as detailed in the surface water drainage strategy submitted with the planning application and a condition regarding pollution control
20. **Environment Agency** - no objection subject to the securing of the sustainable urban drainage facility as detailed in the surface water drainage strategy submitted with the planning application
21. **Anglian Water** - indicated that to make the scheme acceptable in foul water drainage terms, the applicant would need to fund the cost of increasing the capacity of the sewage network. Two storage units are proposed, one on West Street (100m cubed capacity) and one on Swayne's Lane (50m cubed capacity). The scheme also requires infrastructure to convey the additional waste via an on-site pumping station - the developer contribution is £371,265 to cover the cost of mitigation and conveyancing.
22. **Contaminated Land Officer** - low risk in relation to land contamination and as such it is considered that a phase I contaminated land assessment can be required by condition at this outline stage, to ensure that the detailed layout does not result in any adverse impact in this regard, acknowledging the sensitive end use proposed for the site

23. **Air Quality Officer** - to ensure that sensitive receptors in the vicinity of the development are not affected by the negative impact of construction work such as dust and noise, as well as ensuring that the applicant complies with the Council's low emission strategy for a development of this scale, conditions should be included that require the submission of a Construction Environmental Management Plan/Dust Management Plan, and an electronic vehicle charging infrastructure strategy
24. **Affordable Housing Officer** - The site at Bennell Farm for 90 properties is allocated within Policy H/1 of the local plan, for residential development. The development requirement for the affordable housing is for it to meet the local housing need for both Comberton and Toft, proportionate to the level of need in each village.

40% affordable housing is being proposed, which equates to 36 dwellings. This is in accordance with Policy H/9.

Cambridge & County Developments, part of CHS group who are a registered provider operating in South Cambs have approached us about this development and we provided our preferred mix, which they have used to inform the developer for this proposal.

22 X 1 Beds, 8 X 2 Beds, 4 X 3 Beds, 2 X 4 Beds

The mix is reflective of the housing need in the villages of Comberton and Toft.

Initial allocations should be made to applicants who have a local connection to either Comberton or Toft, in accordance with the development requirements for this site. The district wide tenure split in the Affordable Housing SPD is 70/30 is in favour of rented.

Properties should be built to HCA design and quality standards.

In order to ensure sustainable communities, the distribution of the affordable housing through the development should be in clusters or small groups typically between 6 and 8 units; this is in accordance with Policy HG/3 as set out in Section 3 Layout and Distribution of the Affordable Housing SPD.

This proposal will meet a high proportion of the current housing need in both Comberton and Toft and is therefore supported by the Housing Strategy Team.

25. **Section 106 Officer** – details of the summary of section 106 requirements are appended to this report and discussed in detail in paragraph 180. Specific policy compliant contributions in the region of £10,000 (final figure dependent on housing mix to be determined at the reserved matters stage under scale of development) are requested in addition to the on site provision and requirements of other service providers as detailed in the report.
26. **Cambridgeshire County Council Growth Team** – the County Council have confirmed that there is sufficient capacity at pre-school, primary and secondary education levels to accommodate the additional population generated by the proposed development.

A contribution of £8,718.84 is requested to improve the provision of library services. The County Council have calculated this figure based on 207 new residents resulting from the scheme multiplied by a sum of £42.12 as a per person contribution towards the installation of additional shelving within the library to enhance the service.

No pooled strategic waste contribution can be sought despite there being insufficient capacity in the Cambridge and Northstowe Household Recycling Centre catchment area as five such contributions have already been agreed.

A monitoring fee would also be applied

27. **Historic England** – no comments to make. Advice of the District Council conservation officer should be sought
28. **District Council Conservation Officer** - concerns about the proposed scale of development on the village edge which displays a linear character of development with a number of properties set in large plots within the historic part of the Comberton conservation area. Three storey development would not be appropriate in this location.
29. **NHS England** - state that their assessment of capacity is based on the amount of floorspace required to run a practice as opposed to the number of GP's. On the basis of their calculation, NHS England have requested a sum of £30,300 to provide an additional 15.15 square metres of floorspace to accommodate the additional 221 anticipated population increase (nb. Different projection to the County Council figures above).
30. **District Council Ecology** - This application is supported by an ecological assessment which does not identify any significant biodiversity constraint to development. An area of more botanically interesting grassland, including yellow rattle has been identified associated with the site's central ditch. The flora of this ditch and immediate adjacent land should be protected through the course of this development. No tree planting along the ditch along the front of the site should take place if it is likely to result in shading of the flora. Details of the impact of the proposals on the condition of this ditch should be considered at the reserved matters stage when the final proposed layout is known. The loss of areas of species poor grassland can be compensated for by the establishment of new sown wild flower meadow habitats across the site.  
  
A condition is required to control the removal of vegetation during the bird nesting period.  
  
Regard has been given to the value of the nearby pond for great crested newts. It is considered to be suboptimal and as such is not subject to any further detailed survey work.  
  
No badger setts have been found on site but low level of badger activity has been observed. A condition should be used to secure a repeat survey of the site prior to a reserved matters application being assessed.
31. **District Council Tree Officer** – no objections at this stage due to the outline nature of the proposals in which the layout is not fixed and additional landscaping is an issue to be considered at the reserved matters stage
32. **Highways England** – no objection
33. **Sport England** - No objection to the principle of the proposal. The emerging Local Plan should inform the best way of delivery of the additional facilities in light of the recent upgrade of the recreation ground in Comberton

## Representations

34. This section is split into the responses received to the emerging Local Plan allocation (policy H/1:h), which need to be considered in the assessment of the application as weight is being given the emerging allocation as a very special circumstance for development within the Green Belt and the responses received specifically to the planning application.

30 objections have been received to the emerging allocation which raise the following concerns (summarised):

- The hierarchy of settlements as defined in the Local Development Framework sets thresholds for limits on housing development to avoid development in the Green Belt
- Too many houses are being provided in the Green Belt (this site and the sites at Sawston propose 430 houses in total in the Green Belt)
- Objection in principle to the release of Green Belt land
- Question whether sufficient sewage outflow capacity exists to accommodate the development – a number suggest that such a capacity does not exist
- Concern about the impact of additional traffic that will be generated by the development on the east to west traffic flow through the village
- Concern that the precept for affordable housing and the open space provision will benefit Toft but the adverse impacts (e.g. traffic and pressure on infrastructure) will be felt in Comberton
- The allocation restricts development to the eastern side of the access road. Allowing development across the site would allow for a lower density of development to be better distributed across the site
- The site is in close proximity to the Village College and will have an adverse impact on highway safety around the entrance to the school site
- The need for the football pitch, changing facilities and overspill carpark to serve the Village College are questioned.
- If the pitches are needed for Toft residents, these should be provided alongside the existing facilities at Comberton Village College
- No significant benefits arise from the erosion of the Green Belt
- No capacity at the school, or the doctors surgery to accommodate the additional demand that will be placed on these resources
- Additional housing would result in additional congestion on the B1046
- Flooding issues already exist in the village – development of this greenfield site will exacerbate these problems
- The site has been the subject of numerous planning applications
- Badgers have been recorded as evident on the site
- Roads into the village from the site are not suitable for walking/cycling/horse riding – the occupants of the development will be reliant on car travel
- Although the need for housing is accepted, these should be located on sites that can be easily accessed from major A roads – e.g. A428
- Concerns have been expressed by Anglian Water regarding the capacity of the foul sewage network
- The number of proposed dwellings should be capped at 60 as it is important to preserve the character of the surrounding landscape and the volume of traffic generated by the scheme
- Due to the limited facilities within the village, residents would rely on the car for travel to meet day to day needs

Comberton Parish Council's objection to the proposed allocation can be summarised as:

- The results of questionnaires being sent to local residents and public meetings have been held. The majority view is that there should be no significant change should be made to Comberton
- Concerns regarding the capacity of the sewage network have been raised
- Traffic calming measures in place are inadequate to deal with the additional east-west traffic flow through the village that will result from the development
- Recommend removal of the proposed allocation from the Local Plan

Toft Parish Council's objection to the proposed allocation can be summarised as:

- Do not believe that the site is suitable for 90 dwellings and wonder whether a lower density of development could be achieved by dispersing development across a larger part of the site
- Local services, amenities and infrastructure would be over stretched as a result of the proposed population increase
- Proximity of the site to the village college will result in additional congestion which will be detrimental to highway safety
- The Parish Council has not been involved in discussions regarding the football pitch and changing facilities to be provided
- Toft Parish Council would support any objection to the proposals made by Comberton Parish Council

Barton Parish Council's objection to the proposed allocation:

- If sites are to be proposed in Comberton or on Bourn Airfield, upgrading of the access from the A428 to the M11 should be provided before development commences to avoid additional traffic travelling through the villages

2 representations which were classified as supporting the allocation were received, raising the following comments:

- The Defence Infrastructure Organisation confirm that the proposed development site falls outside of the statutory consultation zone
- Anglian Water – no specific comments to make at that stage regarding the development of this site. Made generic comments regarding the need to avoid development over the sewer network on all proposed allocation sites.

The key issues raised in the 16 responses from residents submitted during the consultation process on the planning application are summarised below. (Please see responses for Comberton and Toft in relation to this application in the consultation section of this report.)

- The vehicular access to the proposed development would result in conflict with the access to the access to the Village College – this will result in a highway safety hazard – particularly during peak times at the start and end of the college day
- The proposed football pitch would result in harmful noise levels at the western edge of the village. Noise is already generated by the use of the pitches on the recreation ground and the Village College and the proposal would exacerbate this problem
- There is no need for the additional football pitch as the facilities at the recreation ground have recently been upgraded and there is also provision at

the Village College, opposite the site.

- Three storey development would not be appropriate in this location.
- The proposed development is located in the Green Belt and is the gateway to the conservation area
- A development on this size will erode the character of the Green Belt and should not be developed unless exceptional circumstances are demonstrated
- Comberton is poorly served in terms of infrastructure, there is only one small shop, a butcher and hairdressers. The GP surgery is apparently at capacity and does not have the ability to expand. The dentist is at capacity and is not accepting new NHS patients.
- The land in question is rich in biodiversity and this would be detrimentally affected by the development of the site
- Rainwater drainage is a problem. Tit Brook (adjacent to the site) overflows during periods of heavy rain which results in surface water flooding on Swaynes Lane and Bush Close. This has included foul water.
- The precept from the affordable housing will go to Toft but the negative impacts of the development e.g. traffic generation, infrastructure capacity etc will detrimentally affect Comberton
- One issue mentioned in the Inspector's letter suspending the examination process is that development should be focussed on the fringes of Cambridge rather than on site such as this which are in more rural locations and settings
- The development will add significant volumes of additional traffic which will worsen the existing congestion issues on West Street and along the main route through Comberton
- Congestion at the Village College site is a problem due to insufficient parking capacity on that site and the capacity of the proposed car park needs to adequately address this situation as well as accommodate the traffic associated with the use of the football pitches.
- Bus services that would serve this site are inadequate during the evenings and at weekends
- The schools do not have adequate capacity to cope with the additional demand
- The inadequacy of the existing foul drainage system would need to be addressed before existing residential properties are built

Cllr Tim Scott as local member for Comberton has objected to the proposals and has raised the following concerns and observations:

- The proposal is inappropriate development in the Green Belt
- The affordable housing provision would be a positive element of the scheme
- Comberton is a Group Village where the policy in the Core Strategy states that indicative developments of a maximum of 8 houses would be supported in principle – clearly the proposed development would far exceed this
- All hedging on the boundaries of the site should be retained as part of the development
- Foul sewage drainage capacity is currently insufficient to cope with the additional demand resulting from the development
- There are capacity issues at the Doctors surgery
- A traffic management plan will be required to ensure that the development does not result in further adverse impact on congestion along West Street

### **Site and Surroundings**

35. The application site is located on the western edge of Comberton village, immediately west of the framework boundary. Despite its proximity to Comberton, the site is



located within the parish of Toft. The eastern and western boundaries of the site are demarcated by established hedgerows, West Street runs parallel with the southern boundary of the site. The northern boundary is not clearly demarcated. Open agricultural land is located to the north and west of the site. Bennell Court, a cluster of offices which are buildings converted from agricultural use is located approximately 100 metres north of the application site.

36. Land levels rise gradually from south to north. There are several small clusters of trees and bushes within the site, along with a number of individual trees. The site is bisected by an access road which runs north to south through the site, which provides access to the Bennell Farm development.

### **Proposal**

37. The applicant seeks outline planning permission for the erection of up to 90 dwellings, a car park, football pitch and changing facilities and associated infrastructure works.

### **Planning Assessment**

38. The key issues to consider in the determination of this application in terms of the principle of development are the implications of the five year supply of housing land deficit on the proposals, the impact of development in the Green Belt, the sustainability of the location, the density of development and affordable housing. An assessment is required in relation to the impact of the proposals on the character of the village edge and surrounding landscape, highway safety, the residential amenity of neighbouring properties, environmental health, surface water and foul water drainage capacity, the provision of formal and informal open space and other section 106 contributions.

### **Principle of Development**

#### **Five year housing land supply:**

39. 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.
40. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 3.9 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 2015). 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.
41. 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”.

42. 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.
43. Of particular significance to this case are policies GB/1 (Green Belt), GB/2 (mitigating impact of development in the Green Belt) and NE/4 (landscape character areas). These policies are both considered to have significant weight in the determination of this planning application however as the NPPF contains specific advice that inappropriate development should not be approved in the Green Belt and that development should conserve and enhance the natural environment, including valued landscapes. As a result, despite being out of date, they are still considered to have a relevant purpose in restricting unsustainable development and therefore conform to the overarching principles of the NPPF.
44. 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.
45. 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).
46. The site is located outside the Toft and Comberton village frameworks, although adjacent to the western boundary of Comberton, 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 90 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.
47. 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. Toft is identified as an infill village under policy ST/7 of the LDF and would retain that status under policy ST/8 of the LDF and would retain that status under policy S/11 of the Draft Local Plan. Infill villages are the lowest of four categories of rural settlement and are less sustainable settlements than Rural Centres Minor Rural Centres and Group Villages. However, as covered in paragraph 69, the main impact of this development is considered to be on Comberton, which is classified as a Minor Rural Centre in the emerging policies.

48. Development in Group Villages (the current status of Comberton) 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. 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. However, as weight is being given to the emerging allocation policy, the indicative number of units within that policy (up to 90) and the emerging status of Comberton as a Minor Rural Centre, second in the hierarchy of sustainable settlements in the district, are considered factors which should carry more weight than the content of out of date policy ST/6.
49. 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.
50. The proposals are assessed below against the social and economic criteria of the definition of sustainable development.
51. The environmental issues, including impact on the Green Belt, are assessed in the following sections of the report. In relation to the loss of higher grade agricultural land, policy NE/17 states that the District Council will not grant planning permission for development which would lead to the irreversible loss of grade 2 (in this case) agricultural land unless :
  - a. Land is allocated for development in the Local Development Framework
  - b. Sustainability considerations and the need for the development are sufficient to override the need to protect the agricultural value of the land.
52. Whilst the substantive issues are discussed in detail in the remainder of this report, it is considered that, as weight is being given to the housing land allocation of the site in the emerging Local Plan, the proposal would not directly conflict with part a. of the policy, in principle, and that the need for the development could be argued to override the need to preserve the agricultural value of the land given the sustainable location of the site for residential development and the fact that the Council cannot demonstrate a five year supply of housing land delivery.

Social sustainability:

53. 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.

54. The development would provide a clear benefit in helping to meet the current housing shortfall in South Cambridgeshire through delivering up to an additional 90 residential dwellings, 40% of which would be affordable (36 units). Ensuring that the housing mix in the market element of the scheme would accord with emerging policy H/8 (discussed in detail later in this report) is a matter to be dealt with at the reserved matters stage.
55. The affordable housing can be secured through a Section 106 Agreement. Officers are of the view the provision of up to 90 additional houses, including the affordable dwellings, is a social benefit and significant weight should be attributed this in the decision making process, particularly in light of the Housing Officer's confirmation that this scheme would meet the majority of the housing need in both Toft and Comberton.
56. Formal play space is shown on the indicative layout plan, which is compliant with the required size for the scale of development proposed. Management of this space can be secured via the Section 106 Agreement. There is a shortage of equipped play areas in this part of the village, and therefore the proposed LEAP has the potential to serve existing properties in the area in addition to the new residents. The siting of the LEAP and other open space within the development will be determined at the reserved matters stage.
57. Under normal circumstances, there is no requirement to provide for formal sports space on site on a development of this scale (sports pitches are required for developments of over 200 dwellings, in line with the advice within the adopted Design Guide). However, the emerging allocation policy H1/h states that a football pitch should be provided as part of the scheme, along with changing facilities. The illustrative masterplan shows the location of a football pitch to the west of the access track within the proposed scheme, with the location of the changing facilities also indicated. The applicant has declared that the indicative size of the changing room facility would be 150 square metres. Sport England has a model standard for the layout of such facilities and at the size proposed, the development could also provide the space for a community/meeting room. This could be secured through the Section 106 agreement as an additional social benefit of the scheme.
58. Both Toft and Comberton Parish Councils have commented that the need for this football pitch is questioned. The Recreation and Open Space Study (July 2013) identified a shortfall in sports provision in Comberton and in Toft and it is from that evidence that the emerging policy requirement was drawn. Since the conducting of that study, it is acknowledged that the recreation ground in Comberton has been extended and this has included the provision additional football pitches.
59. However, the wording of the emerging allocation policy specifically references that the football pitch and changing facilities would be to serve the needs of the residents of Toft. Toft village has no provision at all in terms of outdoor sport according to the 2013 Recreation and Open Space Study and therefore there is an identified need for the provision within the Parish within which the site is located.
60. Notwithstanding this requirement, in the Schedule of Proposed Minor Changes to the Proposed Submission Local Plan, which have been submitted to the Inspector for examination, a caveat has been added to the supporting text of the proposed H/1 allocations policy. The caveat states that 'a development requirement (such as the football pitch, changing rooms and car park in this case) will apply unless it can be demonstrated when a planning application is submitted, that a requirement is no longer needed, or it could be better addressed in a different way either on or off site.'

61. It is considered sufficient at this stage that applicant has demonstrated a commitment to meet the requirements of the emerging policy. Neither of the Parish Councils have advanced a case to suggest an alternative location for the proposed facilities and there is an identified need for the provision within Toft Parish. Officers are satisfied that the provision of the football pitch is CIL compliant in that it is essential to make the scheme acceptable in planning terms, given the deficit of play provision in Toft and the fact that this deficit would be further adversely affected by the erection of 90 dwellings on this site, without any provision being made. The establishment of a management company to have responsibility for the upkeep of the pitch could require funding from occupants of the development, this responsibility would not automatically fall on either Toft or Comberon Parish Councils.
62. It would be possible for a deed of variation to be made to the Section 106, should outline planning permission be granted, if it is concluded at the reserved matters stage that off site provision or the upgrading of existing facilities would better serve the needs of the community. Given that the layout of the scheme would leave the area to the west of the access road undeveloped, in accordance with the policy and in order to mitigate wider landscape impacts of the development, including the openness of the wider Green Belt, it is considered that a properly managed facility on this open space would be preferable to housing. As such, it is considered that compliance with the guidance in the emerging policy would secure the social benefits of the scheme.
63. Excluding the provision of the football pitch, the total provision of public open space (formal and informal) would be in excess of 10,000 square metres. The adopted Open Space SPD requires the provision of only 2,137 square metres of open space for a development on the scale proposed. Given that both Comberton and Toft have a deficit in play space and informal open space this level of provision is considered to be a significant social benefit of the proposals.
64. A community car park which would also provide capacity as an overspill carpark for the village college and a sports provision which would be of a size to include a community room. Whilst there is a pavilion in Comberton, Toft only has a 60 square metre village hall and this space would provide additional community benefit to both parishes.
65. A footpath link would be provided from the development into the centre of Comberton. The footpath is not shown in detail on the illustrative masterplan although the location of the proposed pedestrian accesses are indicated. The footpath would allow residents to walk along the northern side of West Street into the centre of Comberton, which would be a benefit in relation to the current position which requires pedestrians to cross the road to join the footpath on the southern side of the road. This would improve access to the services within Comberton and would therefore be a social benefit of the scheme. The installation of this footpath would be provided via a legal agreement with the Highway Authority, the details of which can be secured via a planning condition at this outline stage.
66. 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.
67. Impact on services and facilities:

68. Paragraph 204 of the NPPF relates to the tests that local planning authorities should apply to assess whether planning obligations should be sought to mitigate the impacts of development. In the line with the CIL regulations 2010, the contributions must:
- necessary to make the scheme acceptable in planning terms
  - directly related to the development
  - fairly and reasonably related in scale and kind to the development proposed.
69. In applying this guidance this planning application, officers consider that the contributions sought through the section 106 agreement, in addition to the facilities required by the emerging allocation policy, should be based upon an assessment of the availability and capacity of services in Comberton. This assessment is made on the basis that despite being located within Toft Parish, the site is immediately west of Comberton village and given that the extent of facilities is far greater in Comberton than Toft, it is considered that the residents of the development would mostly use the facilities and services in Comberton. It is however important to highlight that, in following the requirements of the emerging allocation policy, the shortfall in sports provision in Toft would be addressed by the scheme and the affordable housing provision on the site would be allocated for Toft and Comberton proportionately based upon the need in each village.
70. Comberton is currently classified as a group village in the LDF but would be elevated to Minor Rural Centre Status in the emerging Local Plan. Emerging policy S/9 states that residential development of up to a maximum indicative size of 30 dwellings will be permitted, subject to the satisfaction of all material planning considerations. The proposal would significantly exceed this number and would not be within the framework. However, as the land is proposed to be allocated for housing and an indicative number of 90 dwellings has been included within the emerging policy, the fact that the site has been assessed as sustainable through the Strategic Housing Land Availability Assessment (SHLAA) is considered to be the overriding factor in assessing the principle of the scale of development on the site.
71. There is a bus stop immediately adjacent to the site on West Street, with further stops to the east and west of the site. There is an hourly bus service to and from Cambridge along West Street between 09:30 and 19:00 on weekdays with 3 buses to and 2 from Cambridge between 07:00 and 09:30 on those days. Hourly services run most of the day Saturday, no services are available on Sundays. Given the extremely close proximity of the site to the bus service, the frequency of the service during commuting times and the 25 minute journey time, it is considered that the site is well served by public transport, which enhances the environmental sustainability of the scheme by reducing reliance on car travel.
72. Comberton has a primary school, a secondary school and a Library (located at Comberton Village College, which is located opposite the site) and also has an infrequent mobile library service. The County Council as the relevant Authority for providing these services has indicated that there is capacity in the early years provision, that the 19 pupils estimated to be generated by the development of primary school age could also be accommodated within the existing infrastructure and that the Village College has capacity to accommodate the additional 12 children in the relevant age group that the scheme is anticipated to generate. This information corroborates the evidence used in the SHLAA assessment of the site and it is considered that the fact that these services have capacity to accommodate the additional demand is a factor which contributes to the social sustainability of the scheme.
73. A contribution of £8,718.84 is requested to improve the provision of library services.

The County Council have calculated this figure based on 207 new residents resulting from the scheme multiplied by a sum of £42.12 as a per person contribution towards the installation of additional shelving within the library to enhance the service. Given that the impact on the capacity of the library can be mitigated through this relatively small scheme in relation to the overall anticipated population increase, it is considered that securing this sum via a section 106 agreement would offset any negative impacts on social sustainability in this regard.

74. In terms of health impact, the applicant has submitted an Impact Assessment in this regard. This Assessment concludes that the number of GP's and the resulting amount of patients that can be accommodated by Comberton surgery indicate that the existing infrastructure could cope with the increased demand.
75. However, NHS England has commented on the application and has stated that their assessment of capacity is based on the amount of floorspace required to run a practice as opposed to the number of GP's. On the basis of their calculation, NHS England have requested a sum of £30,300 to provide an additional 15.15 square metres of floorspace to accommodate the additional 221 anticipated population increase (nb. This is a different projection to the County Council figures above). The NHS response indicates that this figure does not include an assessment of any additional car parking capacity and have indicated that they do not have the evidence base to make a request for extension/reconfiguration of the site in this regard.
76. NHS England have indicated in their response that they consider the requested sum to meet the tests for seeking contributions as set out in the NPPF, quoted above. This sum is considered necessary to mitigate the deficit in the capacity of Comberton surgery that would result from the projected population increase from the development and subject to this being secured through the section 106 agreement, the development would not be socially unsustainable in this regard.
77. In terms of services available in Comberton, in addition to those listed above, there is a public house, a dentist, a playgroup, employment premises at Bennell Court, a number of shops and professional services, a grocery store and a post office (within the grocery store). Officers have received confirmation from the dental practice that, although no NHS patients are being taken on, there is capacity at the surgery for private patients to be accommodated should the anticipated population increase arise from the proposed development. Likewise, the playgroup has also confirmed that it has sufficient capacity to accommodate the resulting need.
78. Given the above assessment and the supporting evidence from the SHLAA assessment of the site, it is considered that the adverse impacts of the development in terms of social sustainability could be mitigated through the contributions towards expanded library and NHS provision, to be secured via a Section 106 agreement.
79. Economic sustainability:
80. The provision of 90 new dwellings will give rise to employment during the construction phase of the development, and has the potential to result in an increase in the use of local services and facilities, both of which will be of benefit to the local economy.
81. Overall, it is considered that the proposed development would achieve the social and economic elements of the definition of sustainable development, subject to the mitigation measures quoted above, which the applicant has agreed to in principle and can be secured via a Section 106 agreement.

82. **Principle of development in the Green Belt**

This section of the report assesses firstly how the existing site contributes to the purposes of the Cambridge Green Belt and then goes on to consider the implications of the fact that the proposal does not meet the definition of appropriate development in the Green Belt and whether the required very special circumstances have been demonstrated.

83. Purposes of the Green Belt:

84. The entirety of the application site is currently located in the Green Belt. The site has emerging allocation status in the Local Plan which is currently being assessed by an Inspector appointed by the Secretary of State. H/1 part h is the policy in the Local Plan which relates to the proposed allocation of the site that is the subject of this application.

85. Paragraph 216 of the NPPF states that 'from the day of publication, decision-takers may also give weight to the relevant policies in emerging plans according to:

86.

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given.)

87. The advanced stage that the preparation of the Local Plan has reached (which accords the policy more weight) is counterbalanced by the extent of unresolved objections. The unresolved objections primarily relate to matters which have been considered by the Council and have not been accorded significant weight which has resulted in the site being confirmed for inclusion in the Submission Local Plan as a residential site allocation. On balance it is considered that weight can be given to the proposed allocation of the site in the Submission Local Plan in planning decisions, alongside all other material considerations

88. Given that unresolved objections do remain and that the allocation only has emerging status, there is a need to assess firstly whether the proposals would conflict with the purposes of the Green Belt, as the allocation of the site has not been agreed and a decision will not ultimately be made on this until the adoption of the Local Plan.

89. Section 9 of the NPPF is entitled 'Protecting Green Belt land.' Paragraph 80 defines the five purposes of the Green Belt as:

1. To check the unrestricted sprawl of large built up areas
2. To prevent neighbouring towns merging into one another
3. To assist in the safeguarding the countryside from encroachment
4. To preserve the setting and special character of historic towns; and
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

90. Policy ST/1 of the Core Strategy is considered to still have significant weight, despite the Council's inability to demonstrate a five year housing land supply. This is due to the specific reference in the NPPF to land in the Green Belt as an example of where



development can be legitimately restricted due to the desire to preserve the openness and prevent inappropriate development within this designated area. Policy ST/1 states that the purposes of the Cambridge Green Belt specifically are as follows:

1. To preserve the unique character of Cambridge as a compact, dynamic city with a thriving historic centre;
2. To maintain and enhance the quality of its setting
3. To prevent communities in the environs of Cambridge from merging into one another and with the city

91. The special character of Cambridge and its setting are considered by the policy to include:

1. Key views of Cambridge from the surrounding countryside;
2. A soft green edge to the city
3. A distinctive urban edge
4. Green corridors penetrating into the city
5. Designated sites and other features contributing positively to the character of the landscape setting
6. The distribution, physical separation, setting, scale and character of Green Belt villages
7. A landscape which retains a strong rural character

92. The application site was considered as part of the Strategic Housing Land Availability Assessment (SHLAA) in 2013, which evidentially led to its status as an allocation site for development in the Green Belt. At that stage it was identified that the development of the site would have 'an adverse impact on the Green Belt purposes and functions.' It was acknowledged that development of the site would reduce the separation distance between Toft and Comberton and expand the scale of Comberton which would have some limited impact on the character of the village. The development of the site was considered to have a 'small' impact upon the rural character of the landscape.

93. Without mitigation therefore, it was identified that development of the whole site would conflict in part with criteria 2 and would conflict with criteria 3 of the locally defined characteristics of the Cambridge Green Belt. In a similar vein, without mitigation, the development of the site would also conflict in part with criteria 2, 3 and 4 of the nationally defined Green Belt characteristics set out in the NPPF.

94. However, the SHLAA report does make recommendations on how the landscape impact could be overcome and states that 'development of the site if carefully designed with development set back from the road would have little impact on the landscape setting of the village.' The report also concludes that 'the townscape impact would be minimal if the site were to be developed at a low density to merge into this part of the village which is characterised by low density housing with large gardens, with mature hedges and trees. Development in this location would not impinge upon the linear nature of development in the most historic parts of the village.'

95. It is acknowledged that development of the site would reduce the gap between the western edge of Comberton and the settlement of Toft, approximately 1 mile to the west of the site. However, Bennell Court, an existing cluster of commercial buildings is located in the north western corner of the existing site, which is the corner furthest from the western edge of the existing village and the emerging allocation specifies that residential development should be confined to the land to the east of the access road which serves Bennell Court. Furthermore, the western boundary of the Village

College site to the south of the B1046 is located further west and closer to Toft than the western edge of the area of the allocated site to include residential development.

96. This design approach would retain a significant area of green space in the western portion of the site and help to retain a buffer between the edge of the proposed built development and the adjacent land to the west, which is to remain in the Green Belt. In principle it is considered that this approach would maintain the appropriate physical separation, setting, scale and character of the respective edges of the two settlements in the Green Belt, according with criteria 3 of the defined purposes of the Cambridge Green Belt and the 6<sup>th</sup> identified characteristic of the designated area.
97. Subject to an assessment of the impact of the indicative scheme on the character of the site and surrounding landscape, considered later in this report, it is considered that the SHLAA assessment has indicated that the site is capable of development in principle without having a detrimental impact on the character of the village edge, the setting of the historic core of the village or the quality of the surrounding landscape.
98. Following this assessment, it is clear that the development would have some adverse impact on the Green Belt in terms of the national and local policy definitions of the purposes and characteristics of the Green Belt. However, it is considered that the adverse impact could be satisfactorily mitigated if very special circumstances can be demonstrated which outweigh this harm and the inappropriateness of the development in the Green Belt. The assessment of the very special circumstances in this case follows an assessment of all other identified harm that would arise from the proposal, in line with the process for assessing the impact of proposals in the Green Belt, as set out in the NPPF.

#### **Density of development and affordable housing**

99. The scheme would be of a lower density than required by policy HG/1 of the LDF and emerging Local Plan policy H/7 within the site area proposed for development in the emerging allocation under policy H/1 h (approximately 23 dwellings per hectare as opposed to the policy requirement of 30). However, both 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 the settlement, it is considered that this proposal meets the exception tests of the current and emerging policy with regard to the density of development.
100. 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. As 19 of the 54 properties in this scheme would have 2 bedrooms, the proposal falls short of the requirements of that policy. The policy states that approximately 25% of dwellings in residential schemes should be 3 bed and the same threshold applies to 4 or more. Given that 17 of the properties would have 3 bedrooms and 18 would have 4 or more, these property sizes are over-represented in the mix in relation to policy HG/2.
101. 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. As such, it is considered that the proposed housing mix is acceptable. As the application is outline only, a condition requiring this mix is recommended to ensure that the scheme policy compliant.

## **Character of the village edge and surrounding landscape**

### **Landscape Impact**

102. In the SHLAA assessment which resulted in the site being put forward to its current status as an emerging site for housing development, the landscape impact of the proposed development was considered. The South Cambridgeshire Village Capacity Study (1998) refers the landscape setting of Comberton as characterised by large arable fields, with smaller enclosed fields and paddocks close to the edge of the village. The village edges are generally soft and green and this characteristic applies to this site and the surrounding area.
103. The application site is surrounded by mature boundary landscaping comprising hedgerows and trees which provide a relatively comprehensive screen from wider views. Wider views from the west of site are across arable fields on both sides of the road, with Comberton Village College forming the edge of built development on the southern side of West Street.
104. Within this context, the SHLAA assessment concludes that 'development of this site if carefully designed with development set back from the road would have little impact on the landscape setting of the village. The townscape impact would also be minimal if the site were to be developed at a low density to merge into this part of the village which is characterised by low density housing with large gardens, with mature hedges and trees.' Overall, the SHLAA concludes that the landscape impact of a proposed development of 90 dwellings on the site could be adequately mitigated.
105. The applicant has submitted a landscape visual impact assessment (LVIA) with the application which assesses the proposed development from 7 viewpoints and includes the images taken, looking towards the site from the identified locations. The assessment to demonstrate that 5 of the viewpoints are highly sensitive (the exceptions being the viewpoints taken from West Street adjacent to the site, one looking east (5a and b) and one looking north from the Village College). In assessing the impact on these highly sensitive views, it is considered that there would be a neutral impact on the character of the landscape from 2 of the views (from the footpath on Hardwick Road and from the public footpath east of Meridian Golf Club) and a minor adverse impact on 2 of the viewpoints (both of those identified of medium sensitivity).
106. The LVIA concludes that the relative containment of the proposed development by existing boundary vegetation, the consistency of the proposed layout with the existing pattern of development in the western end of Comberton in terms of pattern, vegetation and alignment and the contribution of the existing boundary vegetation makes to the character of the approach to the village, are factors which ensure that the development of the site would not conflict with the purpose or function of the wider Green Belt.
107. In terms of visual impact, the LVIA concludes that the highest degree of significance would be in views closer to the site where the mitigation measures of providing significant 'buffers' between the edge of the built development of the scheme and the boundaries of the site would address any adverse impact. The scheme has been revised to set the frontage properties well back into the site, enhancing the 'buffer' along the West Street frontage. In addition, the majority of the tree and hedge planting on the boundaries of the site would be retained, with enhancement on the southern boundary, ensuring that the 'containing' nature of the vegetation would be retained.

108. The Urban Design Officer (UDO) has commented that the proposal will result in harmful impacts to the character of the Green Belt. As stated in the principle of development section of this report, this is accepted as the site is currently agricultural land which is open and undeveloped in character and will be developed by up to 90 residential units.
109. A number of concerns have been raised by the UDO although there is no objection to the scheme as the application is in outline only, with the layout and exact quantum (as the description is 'up to' 90 units) to be finalised at the reserved matters stage. Officers are content that the significant extent of the recess of the front building line from the southern boundary of the site shown in the indicative layout could be reduced by pulling all of the buildings southwards. In addition to that alteration, the LAP open space could be relocated so that the layout of the properties in the northern part of the site could be altered and a landscape 'buffer' be achieved to the northern boundary. It is considered that these amendments, which would be achieved through the reserved matters application when the layout is to be fixed, would allow the 90 dwellings proposed to be achieved on the site without resulting in significant harm to the character of the site or the surrounding landscape.
110. In regard to the layout of the revised illustrative masterplan, one of the concerns raised by the UDO is that the flatted development proposed in the eastern part of the site would not be directly accessible from the main access road to the site. The illustrative masterplan has not been revised to address this point as, in the current layout, this would result in a road crossing through part of the public open space, which is considered to be more harmful than the current proposal. This is a matter than can be addressed at the reserved matters stage however, when the layout is to be approved.
111. The illustrative masterplan has been amended to improve the surveillance of the formal and informal public open space and this is a positive element of the scheme, as is the revision to the front building line of the development, which is considered to better reflect the low density and rural character of the existing village edge, through the extension of the open space and location of the pond for surface water attenuation immediately behind the southern boundary of the site.
112. The illustrative masterplan has also been revised to create an active frontage onto the main access road into the development. The UDO has indicated that some of these plots should be reconfigured but again this is a matter of detail which is to be determined at the reserved matter stage as the principle of this approach is considered to be a positive element of the proposed design. The layout of the parking area has also been improved in the revised masterplan, private open space associated with the flatted development has been defined and the separation distances between neighbouring properties could achieve the requirements of the adopted Design Guide, with the final details to be considered at the reserved matter stage.
113. The original masterplan indicated that there would be 2.5 storey and 3 storey development in the front two thirds of the site. This height of development on the scale initially proposed was considered unacceptable by virtue of the impact the massing of the proposals would have had on the sensitive nature of the site on the rural edge of the village and adjacent to the Green Belt.
114. Comments are also made by the UDO in relation to 'Lifetime Homes' being achieved across the site and this is a matter that will be resolved in the details of the reserved

matters application. The applicant has committed to the provision of 10% of the energy used by the development to be provided by on site renewable energy sources, in compliance with policy, with the detail to be provided once the exact quantum of development is known at the reserved matters stage.

115. The Landscape Design Officer (LDO) comments that the application site has a rural character with strong hedges and mature tree planting. These relatively small-scale fields and paddocks are typical of the local village edges, and mark the transition between the more open countryside and arrival at the village. This particular site has been planted with groups and avenues of trees, producing an additional 'Parkland' landscape character. It is considered that there would be some harm from the proposed layout on the character of the Green Belt by virtue of the arrangement of the rows of properties, back to back through to the rear boundary of the site.
116. The Zone 1 Character Analysis (the area in the northern part of the site, as referred to in the design and access statement) suggests that open vistas will be maintained with views to the Green Belt and further breaks in development will be delivered by providing on-plot parking and garages. Officers consider that this area will require a far greater degree of visual permeability if the desired long views and openness are to be achieved. Again, this is a matter that would need to be addressed at the reserved matters stage and could be achieved through the amendments to the layout referred to previously.
117. Large areas of car parking are not typical of village edge development and this is a point highlighted by the LDO. The indicative car parking area for the flattened development is not sufficient in numbers and does not sit well within the development. Any car parking arrangement should have a degree of screening, separation to break up long runs of parking and be fully integrated into the landscape. It is considered that there is sufficient space on the site to achieve these changes at the reserved matters stage.

### **Trees**

118. The arboricultural report submitted with the application highlights two of the trees as category A, with 44 trees, 20 trees 'groups' and 2 areas of woodland as category B and 42 trees and 11 'groups' of trees are category C. Trees that are considered to be category A are considered to be of high amenity value, and these should be retained. Category B trees serve some amenity value but are in a poorer condition than category A and category C trees are considered to be of a condition which gives them a lower amenity value and are therefore considered not to be worthy of retention.
119. The category A trees are located in the centre of the western part of the site. The indicative masterplan indicates that 3 category B and 6 category C trees would be removed to facilitate the development as shown at this stage. It is considered beneficial that the highest quality trees would be retained and that the additional landscaping proposed would in principle help to offset the loss of the lesser quality trees through the enhancement of the site boundaries and the areas of open space, which would help to assimilate the development into the surrounding landscape. It is considered that a condition can be added to the outline permission requiring tree protection measures to be agreed. All other matters, including the number and location of the trees to be retained and removed will be decided at the reserved matters stage as these issues are dependent on the layout of the site being fixed.

### **Ecology**

120. This application is supported by an ecological assessment which does not identify any significant biodiversity constraint to development. However, a number of issues need further consideration and/or addressing at the reserved matters stage should this development be allowed. The grassland is considered to be species poor. However, an area of more botanically interesting grassland, including yellow rattle has been identified associated with the site's central ditch. The flora of this ditch and immediate adjacent land should be protected through the course of this development. No tree planting along the ditch along the front of the site should take place if it is likely to result in shading of the flora. Details of the impact of the proposals on the condition of this ditch should be considered at the reserved matters stage when the final proposed layout is known. The loss of areas of species poor grassland can be compensated for by the establishment of new sown wild flower meadow habitats across the site.
121. A condition is required to control the removal of vegetation during the bird nesting period.
122. Regard has been given to the value of the nearby pond for great crested newts. It is considered to be suboptimal and as such is not subject to any further detailed survey work.
123. No badger setts have been found on site but low level of badger activity has been observed. A condition should be used to secure a repeat survey of the site prior to a reserved matters application being assessed.
124. No further assessment is required for reptiles.
125. Bat surveys have established the use of the site by eight species of bat but with no roosts being present. The main activity was from common pipistrelle bat. The design makes reference to the use of bat boxes upon new buildings and retained trees and that should be secured through condition, which should added at this outline stage as it relates to mitigation of the impact of the scale of development proposed. Regard was also had to the need to retain dark corridors for bat movements. Details the lighting of the football pitch and car park area can be secured by condition to ensure that there would be no adverse impact on the foraging paths of protected species.
126. The general location of the football pitch has now been shown and is accepted as having minimal ecological impact.
127. A significant balancing pond is to be created at the front of the site and that is considered to be a biodiversity benefit of the scheme. The ecology officer has commented that the design of the pond should integrate areas of permanent open water and native marginal planting along with other measures to ensure that its biodiversity is maximised. Final details of the balancing pond and measures to ensure that it provides for biodiversity will be sought at the reserved matters stage. There an opportunity to bring SUDS features such as swales into the development areas in order to secure a more sustainable design that aims to start water treatment and management processes at source, which should also form part of the reserved matters scheme.
128. The current layout will see the retention of all hedgerows except for hedge H4. However, that hedge is a low and formally managed hedge with reduced biodiversity value. New hedgerow planting will compensate for that loss. A condition is recommended to secure a scheme of ecological enhancement, including the provision of specialist bird and bat boxes.

## **Highway safety and parking**

129. The Transportation Team, having requested additional information from the applicant, has confirmed that it has no objection to the proposed scheme in terms of impact on existing highway conditions, trip generation and distribution, and transport impact. The Highway Authority considers that there is no evidence to suggest that the proposed development would exacerbate the existing road safety risks in the locality. It is considered that the additional information regarding the capacity of the car park to be used alongside the sports pitch is satisfactory on the basis that details of the management of the use of the car park by users of this facility and the Village College are secured by condition, to prevent conflict between the two. Details of the zebra crossing, traffic calming measures and the proposed footpath link are to be included in the Section 106 agreement. In addition, the upgrading of the bus shelters along West Street shall be included in the section 106. A detailed travel plan for the development will be required at the reserved matters stage. No objection has been raised to the principle of the access point proposed.

## **Residential amenity**

130. The application is in outline only and therefore the layout plan submitted is for illustrative purposes only. However, officers consider that this plan is sufficient to demonstrate that 90 units could be accommodated on the site without having a detrimental impact on the residential amenity of occupiers of adjacent properties. The revised indicative layout plan is considered to indicate that the separation distances as prescribed in the adopted design guide (25 metres between elevations with habitable windows, 13 metres from elevations with windows facing blank elevations) can be achieved in terms of loss of light, overbearing and overlooking issues.
131. 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. Given the separation distance to be retained between the flatted development and the closest neighbouring property to the east of the site would be in excess of 40 metres from that element of the scheme, 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 neighbouring properties or the occupants of the proposed development.

## **Surface water and foul water drainage**

### **Surface water drainage**

132. 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.
133. The Environment Agency requires conditions to be included in any consent preventing surface water and contamination issues in a sensitive area. These can be included in any consent.

### **Foul water drainage**

134. The applicant has submitted details of pre-application discussions with Anglian Water regarding the capacity of the foul drainage network. Anglian Water indicated that to make the scheme acceptable in foul water drainage terms, the applicant would need to fund the cost of increasing the capacity of the sewage network. Two storage units

are proposed, one on West Street (100m cubed capacity) and one on Swayne's Lane (50m cubed capacity). The scheme also requires infrastructure to convey the additional waste via an on-site pumping station - the developer contribution is £371,265 to cover the cost of mitigation and conveyance infrastructure. A 'Grampian' condition requiring the developer to enter into an agreement with Anglian Water as the sewerage undertaker to ensure that these works are completed prior to the occupation of the development can be added at this outline stage should planning permission be granted.

**'very special circumstances' case**

135. Paragraph 89 of the NPPF states that 'a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt.' Given that the land to be developed is agricultural land, none of the exceptions listed in that paragraph would apply to residential development on this site and as such that element of the scheme, along with the proposed overspill car parking in the western part of the site, would constitute inappropriate development within the Green Belt.
136. The football pitch and associated changing facilities to be provided could be considered appropriate development under the second exception which allows for the 'provision of appropriate facilities for outdoor sport, outdoor recreation....as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including the land within it.'
137. Policy GB/1 of the LDF mirrors paragraph 87 of the NPPF which states that 'as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.' Paragraph 88 of the NPPF develops this further by stating that 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'
138. The applicant has highlighted a High Court decision (Luton Borough Council v. Central Bedfordshire Council) which related to the development of an emerging allocation site for residential development in the Green Belt. Luton BC contented that granting planning permission was premature given the emerging as opposed to fully adopted status of the policy and that proper consideration had not been given to the availability of other sites which may have achieved the housing as a better way of meeting the local need, amongst other issues.
139. Paragraph 55 of the judgement in that case states 'Paragraph 83 (of the NPPF) does not lay down a requirement that the boundaries of the Green Belt must first be altered via the process for changing a local plan before development may take place on the area in question. Paragraphs 87-88 (of the NPPF) plainly contemplate that development may be permitted on land within the Green Belt, provided that very special circumstances exist.'
140. The judgement also indicated that the granting of planning permission for a site in the Green Belt which is proposed to be allocated does not need to await formal adoption of the Local Plan. Paragraph 56 of the judgement states that 'whilst it may be easier to proceed in stages, by changing the local plan to take a site out of the Green Belt (according to the less demanding 'exceptional circumstances test' there is nothing in paragraph 83 (read in the context of the entirety of section 9 of the NPPF) to prevent a planning authority from proceeding to consider and grant planning permission of the



land in question within the designated Green Belt, provided the stringent 'very special circumstances' test is satisfied.'

141. The issue of prematurity has been raised as a concern in the consultation process and this is considered to be addressed in this judgement of the High Court. So long as very special circumstances can be demonstrated, there is not a requirement for a site to be removed from the Green Belt prior to the granting of planning permission.
142. For the principle of development to be accepted therefore, the applicant must demonstrate that very special circumstances apply in this case. The status of the site as an allocation for residential development in the emerging Local Plan is one of the considerations advanced as a very special circumstance by the applicant. The applicant makes the case that this site is one of a number in the emerging Local Plan which is identified as deliverable within the first five years of the Local Plan period due to the lack of constraints identified in developing the site. The Annual Monitoring report published in April 2015 by the District Council includes a trajectory which indicates that the development could be built out by 2019 and this has been factored in to the proposed housing growth numbers.
143. The strength of this very special circumstance is considered to be dependent upon how effectively and comprehensively the proposal addresses the objections raised to the emerging allocation during the consultation process (listed in the representations section of this report). If the objections have not been adequately addressed, this would reduce the amount of weight that could be given to the policy, in line with paragraph 216 of the NPPF.
144. Concerns have been raised about the impact of the development on the openness of the Green Belt and the linear character of the village. However, as stated above, these issues were assessed during the SHLAA process and the requirements of policy H1 part h are considered to be the measures required to overcome the potential visual harm of a proposed development. Given that the illustrative masterplan has reflected these points (assessed in detail above), it is considered that the landscape harm of the proposals could be mitigated to an extent that would avoid harm to the openness of the Green Belt. Concerns relating to drainage capacity (both in terms of surface and foul water) and highway safety can be mitigated to a point where none of the relevant statutory consultees have objected to the proposals
145. Given that the proposal is considered to respond to the objections raised, it is considered that the emerging allocation status should be given significant weight. The proposal would make a significant contribution towards reducing the deficit in the five year supply of housing land (which is advanced as a very special circumstance on its own.) The site is considered to meet the definition of sustainable development once removed from the Green Belt, which would be the consequence of the emerging policy which is considered to hold significant weight in the decision making process.
146. There are community benefits arising from the scheme, which are advanced as part of the very special circumstances case for the development by the applicant. The provision of 40% affordable housing as part of the development in a district which has a significant deficit in supply and a significant demand for this type of housing, the provision of a football pitch to meet an identified deficit in sports facilities within Toft Parish are two elements of the community benefits proposed.
147. The provision of the car park which will enhance capacity at the Village College and allow sports teams to travel to the site from further afield and the provision of a new footpath link from the site to Comberton village are the other community benefits

advanced as part of the very special circumstances advanced by the applicant.

148. The applicant also makes the point that this site is the only proposed allocation for residential development outside of the established frameworks of both Toft and Comberton and given the extent of the identified housing need in the district, this site is the only site at this stage in the Plan process that could achieve the number of new units proposed within these two villages.
149. Economic benefits are the fourth element of the very special circumstances case presented by the applicant. The applicant quotes from the 2014 City Deal agreement which states that 'The success (of Greater Cambridge) has been widely celebrated, but is now contributing to a shortage of housing and significant transport congestion that threaten to choke off further economic growth.' The applicant makes the case that developing smaller sites that are proposed to be allocated, which can be delivered in the first five years of the life of the Local Plan, are likely to meet this need on a far shorter timescale than the urban extensions and new settlements which are to provide development on a much larger scale but require significant improvements to infrastructure in order to be achieved.
150. There is no definition of what can constitute 'very special circumstances.' It is considered that when taken individually, the lack of a five year housing land supply is not sufficient to demonstrate very special circumstances in this case as the applicant has not provided a sequential test to demonstrate that equally sustainable sites on the edge of Rural Centres or other Minor Rural Centres that are not in the Green Belt are not available for development of a scheme on the scale proposed.
151. Similarly, the provision of affordable housing and the other community benefits would be requirements of making the scheme acceptable in planning terms to demonstrate the sustainability of the development and are therefore not on their own considered to meet the extra-ordinary standards implied by the very special circumstances test. Given the lack of a sequential test, the economic benefits are also not considered to constitute very special circumstances in this case.
152. The test in paragraph 88 requires the very special circumstances advanced to be sufficient to clearly outweigh the harm to the Green Belt by virtue of being inappropriate development and any other harm identified. As the applicant states in their Planning Statement, there is no definition of what constitutes very special circumstances. There is case law which indicates that an accumulation of circumstances which, in themselves, would not meet the status of 'very special' but, when taken as a whole, can be considered to achieve that status.
153. In the case of Basildon DC vs. FFS (2005), the judgement states that 'it is not necessary to show that each and every factor in itself amounts to a very special circumstance, but that the combination of circumstances, viewed objectively, is capable of being described as 'very special.' A number of ordinary factors may when combined together result in something very special.'
154. The applicant has provided additional information which highlights a number of recent cases where planning permission has been granted for the development of sites that had emerging allocation status but were located within the Green Belt at the time that a planning application was submitted. Each planning application has to be determined on its own merits but the principle behind these decisions have some relevance to the determination of whether the emerging allocation status of this site can be considered either on its own or in combination with other factors, a very special circumstance. The examples referred to in the following paragraphs are appended to this report.

155. In the example from Thurrock (2010 application in Stanford-le-Hope), an application for development was submitted on Green Belt land prior to the adoption of a Site Allocations document which was to form part of the Core Strategy. In March 2012, following a public inquiry, the Secretary of State granted planning permission.
156. At the time the appeal decision was issued, the Core Strategy had been through full examination but had not been adopted. The appeal decision stated that 'there is a substantial need for deliverable housing, part of the site has been identified in the (Core Strategy) and to bring land forward for development on that part would not be against the aims and objectives of the development plan, or the emerging development plan, just not accord with the process envisaged.'
157. In agreeing with the conclusions of the Planning Inspector, the Secretary of State stated that 'harm to the Green Belt should be viewed in the context of the harm that the development of (the site), identified as a broad location for development (in adopted regional plan and the emerging Core Strategy) would cause in the future, thereby considerably lessening the overall harm of this proposal.'
158. It is important for Members to note that the policy context of the Thurrock decision was different from this application as the Regional Plan carried weight in the determination of that application where it no longer exists as a consideration in this case. The Regional Spatial Strategy had identified some fringe sites as suitable for release from the Green Belt and part of the application site was in one of those areas. The proposal was therefore not entirely in contravention with the Development Plan, although it did contravene the emerging Local Plan policy in that case.
159. Nevertheless, Bennell Farm has been identified as a sustainable location for development through the SHLAA process and therefore the harm to the Green Belt in the future has been considered to be outweighed by the benefits of providing significant additional housing on the immediate edge of a Minor Rural Centre. As such, the judgment of the Secretary of State that the overall harm of development in the Green Belt would be lessened by this status is considered to apply to the assessment of this application.
160. The broad theme of this judgement can clearly be applied to the proposal being considered in this application. There is harm arising from the inappropriate nature of the development in the Green Belt and some landscape harm arising from the development of what is currently an agricultural field. However, as was the case on the Thurrock example, this harm would be removed in the longer term by the allocation of the land for housing development in the Local Plan.
161. Whilst this proposal includes a locally significant level of playspace, that would meet an identified shortfall within Toft and Comberton Parish and is therefore clearly a benefit of a scheme of this scale. The other considerations in the Thurrock judgement are considered to be broadly comparable to this application, although it should be noted that the emerging Core Strategy was closer to adoption than the emerging South Cambridgeshire Local Plan as the examinations had been completed at the point when the planning application was considered.
162. In addressing the question of very special circumstances in the Thurrock case, the Secretary of State concluded that 'the fact that part of the site has already been identified as a broad location for development and removal from the Green Belt, and that bringing sites forward early is not against the principles of the development plan, the benefits of the scheme, including the provision of housing to help meet the

shortfall in the five year supply, provision of affordable housing and the proposed strategic open space clearly outweigh the harm to the Green Belt and the other harm identified. For these reasons, I consider that the proposal should be seen as having a very limited adverse effect in relation to permanence.'

163. Due to the assessment that the outstanding objections can be dealt with through the determination of this planning application however, officers consider that the principles of this judgement in terms of the approach to a future allocation on Green Belt land are directly relevant to this application.
164. Another case highlighted is in Tewkesbury, dated 31 March 2016. In this situation, the emerging Joint Core Strategy which proposed to remove the site from the Green Belt had been given 'qualified acceptance' in an Interim Report by the Planning Inspector. As a result, the emerging policy in that case could be legitimately given more weight than the emerging allocation status of the Bennell Farm site.
165. In the Tewkesbury case, the Inspector commented that '...it seems that it is the proposed boundary change (to the Green Belt) which has prompted the making of the planning application, not the other way round.' This led to the conclusion that 'Whilst there should be no prejudgement of the outcome of the Joint Core Strategy (JCS) examination, the extensive body of evidence in support of this element of the submitted JCS indicates that it can be afforded a good deal of weight, even though it is the subject of objections.'
166. The status of the emerging Local Plan in the Tewkesbury case was clearly more advanced as there has been no indication of qualified acceptance of any of the allocation sites in the emerging South Cambridgeshire Local Plan. However, the point that is relevant from the Tewkesbury case is that there is evidence of the need for the level of housing proposed in the Local Plan for South Cambridgeshire.
167. The Local Plan examination was suspended following concerns that (amongst other issues) whether projected housing need had taken full account of market signals. Following this suspension, additional work has been undertaken and another 500 houses (total 19,500) are now to be proposed to be allocated. Therefore, the need for the removal of this site as an allocation in the longer term could be afforded significant weight without prejudging the outcome of the Local Plan examinations, despite the objections that have been raised to the allocation during the consultation process.
168. The Tewkesbury case also addresses the benefits of developing a site considered to be sustainable as an emerging allocation site in a situation where a Council cannot demonstrate a five year supply of housing land. In determining the Tewkesbury case, the Inspector considered that 'Since (the site) is in keeping with the emerging JCS, the proposal should not be regarded as premature within the terms of the NPPF 216. Indeed, Gloucester City Council supports the early release (of the site) precisely to avoid the development as less sustainable locations being approved due to the housing supply situation.'
169. Given the extent of the Council's five year housing land supply deficit and the likely timescales for the adoption of the emerging Local Plan (unlikely to be before 2017), it is considered that the above conclusion is relevant to the determination of this application. Clearly a decision on whether or not the Council supports this application rests with Members of the planning committee. However, officers do, on balance, support the early release of the site and one of the key advantages would be a significant contribution towards the reduction in the land supply deficit in a location that is considered to be sustainable.

170. The other examples quote references from planning officers' committee reports. The examples above are considered to be robust as they follow Public Inquiries and the conclusions of the Secretary of State following his decision to call in each of the applications.
171. Given that the emerging allocation is considered to be worthy of weight in the determination of the application, that is considered to be the strongest element of the very special circumstances case. The same status does not apply to any other land within the parishes of either Toft or Comberton and this therefore represents the optimum site for achieving a significant number of affordable housing units (of which there is an identified need in Toft Parish), as well as a large number of market houses. This benefit does link to the extent of the social benefits provided by this scale of development.
172. Given the advanced stage of the Local Plan, it is considered that the social benefits provided by the football pitch, which would address an identified need within Toft Parish is more likely to be achieved on this site than other sites within either Comberton or Toft as there are no alternative plans currently as advanced as the proposals in this application.
173. These factors, when combined with the results of the SHLAA analysis which concluded that the site meets the definition of sustainable development (hence its inclusion as an allocation site in the emerging Local Plan) are considered sufficient to demonstrate very special circumstances.
174. The lack of a five year supply of housing land is also considered relevant in the balancing of the merits of the application, despite on its own not meriting very special status, as supported by the conclusion of the Secretary of State in the Thurrock case referenced previously.
175. From the above assessment, it is considered that the combination of factors advanced by the applicant lead officers to consider that very special circumstances have been demonstrated. From the conclusion in relation to the impact on the purposes and characteristics of the Green Belt, it is clear that some harm would result to the Green Belt as a result of the development. This harm and any other identified harm must be clearly outweighed by other considerations, in accordance with paragraph 87 of the NPPF. Given the limited nature of the other harm identified in this report, it is considered that the very special circumstances are sufficient to outweigh any harm arising from the development, as the layout accords with parameters of the emerging policy.

### **Section 106 contributions**

176. In addition to the County Council in terms of library provision and the NHS already identified in this report, the Section 106 Officer has confirmed that the proposed football pitch, car park and changing facilities and the management arrangements for these facilities would all be included within a section 106 agreement. Both Comberton and Toft Parish Councils have expressed a desire not to see the inclusion of the football pitch. The Section 106 officer has confirmed that, in line with the modification to the emerging policy, if an alternative means of equivalent provision is proposed off site and that there is a definite proposal for the alternative use of the land on the application site where the football pitch is indicatively proposed, this could be achieved through a variation of the legal agreement (section 106 A application). This is dependent on evidence and information that is not before the District Council at

present. Comberton Parish Council has however indicated that one alternative would be the upgrading of the existing pavilion, a contribution to a replacement pavilion and funding for the drainage of the recreation ground.

177. On site provision for equipped open space meets the policy requirement and the level of informal open space exceeds this and so no contribution to off site provision is required in either regards. The indicative size of the proposed pavilion (150 square metres) would allow for the provision of a community room (in accordance with the standard guidance produced by Sport England on the size of such facilities). The 2009 Services and Facilities study concludes that Comberton Village Hall (a relatively new facility) was in good condition and provides for disabled access, includes a number of meeting rooms and has adequate parking facilities. On that basis, the on site provision of the pavilion in this scheme would ensure that no contribution towards new or upgraded off site indoor facilities is required.
178. Household Waste Receptacles charged at £72.50 per dwelling and a monitoring fee of £3,000 (flat fee), along with all of the other requirements to be secured through the section 106 detailed in this section and previously in the report lead to a total of £48,543.84, although the final figure is dependent upon housing mix which is to be finalised under scale at the reserved matter stage. This excludes the County Council's requirements as Highway Authority and the contribution required by Anglian Water to enhance the capacity of the foul drainage network, which will be secured via agreements to be secured through the recommended planning conditions.

#### **Other matters**

179. Archaeology and Heritage
180. Following the initial assessment submitted with the planning application, it is considered that no further work is required regarding archaeology and no mitigation measures are required.
181. The SHLAA assessment of the site considered that the setting of the Comberton conservation area (the western boundary of which is 180 metres to the east of the site) would not be adversely affected by the development of the site on the scale proposed subject to the retention of the landscaping on the site boundaries. The same assessment was made regarding the setting of the closest listed building, 57 West Street (grade II) located 190 metres east of the application site. Policy CH/5 of the Local Plan is considered still to be worthy of full weight in the determination of this application as this conforms with the NPPF in terms of requiring proposals to preserve the character of a conservation area. 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." It is considered that the amended indicative layout has created a significant 'buffer' in the front part of the site which would ensure that the built form of the development would not have an adverse impact on the setting of the listed building located a significant distance to the east of the site.
182. The scheme has been amended to remove the three storey block from the front part of the site and the illustrative masterplan proposes a more linear form which better reflects the layout of the plots in the more historically significant parts of the conservation area, separated from the site by more modern suburban housing. Historic England has not raised any specific objections to the proposals although the District Council conservation officer has some concerns about the proposed scale of

development on the village edge.

183. The revised scheme has pulled the southern edge of the built development back from the southern boundary and given that the indicative scale of development has been set out in the emerging Local Plan policy, which is being given weight in the assessment of the application. Following the reduction in the height of the buildings below 3 storeys and an improvement in the indicative layout through a more linear pattern of development, it is considered that the proposal would not result in significant harm to the setting of the conservation area to the extent that would outweigh the benefits of the provision of housing in a sustainable location.

### **Environmental Health**

184. The Public Health Specialist has commented that the Health Impact Assessment has been assessed as Grade B, which meets the required standard of the SPD Policy. The scheme is therefore acceptable in this regard.
185. There is no objection to the proposal in respect of air quality. However, to ensure that sensitive receptors in the vicinity of the development are not affected by the negative impact of construction work such as dust and noise, as well as ensuring that the applicant complies with the Council's low emission strategy for a development of this scale, conditions should be included that require the submission of a Construction Environmental Management Plan/Dust Management Plan, and an electronic vehicle charging infrastructure strategy.
186. It is considered that further assessment of the potential noise generated by the use of the football pitch and the impact that this may have on the residential amenity of the occupants of the dwellings will be required to ensure that adequate attenuation measures are put in place, if required. Details of any lighting to be installed will also need to be provided with information which demonstrates that the level of light pollution would not have an adverse impact on the residential amenity of the properties. Given that these assessments will require confirmation of the layout and that the scheme is of low density, with the access road separating the football pitch from the location of the dwellings on the illustrative masterplan, it is considered that this issue can be satisfactorily addressed at the reserved matters stage.
187. The site is considered to be a low risk in relation to land contamination and as such it is considered that a phase I contaminated land assessment can be required by condition at this outline stage, to ensure that the detailed layout does not result in any adverse impact in this regard, acknowledging the sensitive end use proposed for the site.
188. Noise, vibration and dust minimisation plans will be required to ensure that the construction phase of the scheme would not have an adverse impact on the amenity of neighbouring residents. These details shall be secured by condition, along with a restriction on the hours during which power operated machinery should be used during the construction phase of the development and details of the phasing of the development.
189. The applicant will be required to complete a Waste Design Toolkit at the reserved matters stage in order to show how it is intended to address the waste management infrastructure, and technical requirements within the RECAP Waste Design Management Design Guide. In addition conditions should secure the submission of a Site Waste Management Plan. Provision of domestic waste receptacles by the developer will be secured via the Section 106 agreement. The developer should

ensure that the highway design allows for the use of waste collection vehicles and this is a detailed matter relating to the layout of the scheme at the reserved matters stage.

190. The applicant has committed to 10% of the energy requirements generated by the development being produced by renewable sources. A condition will be required to ensure that the noise impact of any plant or equipment for any renewable energy provision such as air source heat pumps is fully assessed and any impact mitigated.

### **Prematurity**

191. As outlined above in light of the appeal decisions at Waterbeach regarding the 5 year land supply this application needs to be considered against policies in the NPPF, however Members also need to address the issue of whether the approval of development on this site would be premature in respect of the consideration of the Submission Local Plan.
192. The Planning Practice Guidance states that the NPPF explains how weight may be given to policies in emerging plans. However, it states that in the context of the NPPF and the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify refusal of planning permission, other than where it is clear that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, taking the NPPF policies and any other material considerations into account.
193. The NPPG indicates that such circumstances are likely to be limited to situations where both the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location of phasing of new development that are central to an emerging local plan; and the emerging plan is at an advance stage but is not yet formally part of the development plan for the area.
194. Where permission is refused on grounds of prematurity, the NPPG states that a Local Planning Authority will need to clearly indicate how the grant of permission would prejudice the outcome of the plan-making process.
195. Following the assessment throughout this report, it is considered that the harm arising from the proposal would be less than substantial when conducting the balancing act of weighing the benefits against the harm caused by the scheme.

### **Conclusion**

196. Policies GB/1 and GB/2 of the LDF are considered to carry full weight in the determination process as they confirm with the NPPF in terms of development in the Green Belt. The application site is located in the Green Belt and the proposal for residential development is considered to be inappropriate by definition in this location. As a result, the proposal would result in harm to the Green Belt. In accordance with the guidance in the NPPF, if a case for 'very special circumstances' is advanced as justification for the proposal, these circumstances must clearly outweigh the harm to the Green Belt caused by the fact that the development would be inappropriate, other harm to the Green Belt and any other harm identified.
197. In this case, the applicant has provided package of circumstances which they consider, when taken cumulatively, to meet the 'very special circumstances' test. These are: the allocation of the site for housing development in the emerging Local Plan, the social benefits of the scheme, the economic benefits of the development and



the contribution that the 90 dwellings would make addressing the identified shortfall in the Council's five year supply of housing land.

198. For the reasons assessed in the main body of this report, it is considered that the emerging allocation status of the site can be given weight in the determination of this application. This situation is supported by the case law also referred to in this report although only the broad themes from the judgements should be considered in assessing this application as clearly each case must be determined on its own merits. In this case, the fact that the location and quantum of development on this site was considered to be sustainable during the SHLAA process and that removal of the site is considered overall not to undermine the overall purposes of the Green Belt, it is considered that weight should be given to the emerging allocation status in the decision making process.
199. The development of the site with up to 90 residential units, community car park and sports pavilion will result in harm to the existing character of the Green Belt in this location, which is currently agricultural land. However, the sustainable location of the site, the social benefits of the scheme (affordable housing provision, provision of substantial amounts of open space and sports provision in a parish which is deficient in such facilities) and the need for housing in the district, combined with the emerging allocation status are considered together to be very special circumstances which clearly outweigh this harm to the Green Belt. In line with the case law examples sited, this assessment is made within the context that the long term harm is considered to be less than substantial due to the proposed allocation status.
200. In terms of the other harm that would arise from the proposals, it is considered that the landscape harm can be mitigated through the development of the site in accordance with the layout prescribed in the emerging allocation policy. The revised illustrative masterplan indicates that the residential development would be located to the east of the access road and that a significant landscape 'buffer' would be provided between the southern edge of the built form of the development and the southern boundary of the site. Given that scale, layout and appearance are amongst the matters to be dealt with at the reserved matters stage, it is considered that the applicant has demonstrated that 'up to' 90 units (i.e. leaving the possibility of fewer units coming forward at the detailed stage) can be accommodated on the site in a layout in which the harm to the Green Belt would not significantly and demonstrably outweigh the benefits of the development due to the very special circumstances which have been demonstrated.
201. It is considered that the applicant has demonstrated that the deficiencies in the capacity of the sewerage network can be addressed through the mitigation scheme required by Anglian Water as detailed earlier in this report. It is considered that surface water drainage, highway safety and environmental health impacts of the development can be mitigated and, following the submission of additional transport information. There are no objections from any of the statutory consultees relating to these aspects of the proposal.
202. It is acknowledged that the layout on the illustrative masterplan does not provide the detail to ensure that all urban design and landscape comments can be addressed. However, as stated by the relevant consultees, it does demonstrate sufficiently that 'up to' 90 dwellings are likely to be able to be accommodated on the site and those consultees have not objected to the principle of development. Those concerns will need to be addressed at the reserved matters stage but the fact that the principle is not opposed is the overriding factor at this outline stage.

203. It is considered that the emerging allocation status of the site for housing development should be attributed more weight in the assessment of the application than policies DP/7 and ST/6 of the LDF, as Comberton is proposed to be elevated to a Minor Rural Centre in the emerging Local Plan and that the allocation for up to 90 units exceeds the indicative thresholds in each of these policies. Policies HG/1, HG/2 and HG/3 are all housing policies which are considered to carry some weight in the decision making process as these relate to the density of development, housing mix and affordable housing, all of which contribute to sustainable development. Some weight is also being attached to the emerging policies in this regard. This assessment of weight is considered in light of the fact that the site has been assessed as a sustainable location for the proposed development through the SHLAA process. In relation to the other relevant policies of the LDF as quoted in this report, these are considered to be consistent with the definition of sustainable development as set out in the NPPF and therefore have been given significant weight in the assessment of this application.
204. Given this assessment, officers consider that, on balance, the benefits of the development would not be significantly and demonstrably outweighed by the disbenefits of the scheme.

### **Recommendation**

205. Officers recommend that the Committee grants planning permission, subject to conditions based on the following and grant delegated powers to officers to complete the section 106 agreement (covering issues outlined in this report).

### **Draft conditions**

- (a) Outline planning permission
- (b) Time limit for submission of reserved matters
- (c) Time limit for implementation – within 5 years
- (d) Approved plans
- (e) Landscaping details
- (f) Contaminated land assessment
- (g) Dust, noise, vibration mitigation strategy
- (h) Noise assessment relating to impact of the use of the football pitch on the amenity of properties– including necessary mitigation measures
- (i) Details of renewable energy generation within the development and associated noise assessment and mitigation measures – 10% renewables and details of implementation
- (j) Scheme to detail upgrading of highway facilities including public footpath and bus shelters
- (k) Scheme for the provision of contributions towards the increased capacity requirements relating to foul water drainage, as detailed by Anglian Water
- (l) Foul water drainage scheme
- (m) Surface water drainage scheme
- (n) Sustainable drainage strategy
- (o) Tree Protection measures
- (p) Compliance with flood risk assessment
- (q) Traffic Management Plan
- (r) Time restriction on the removal of trees
- (s) Detailed plans of the construction of the accesses
- (t) Pedestrian visibility splays
- (u) Ecological enhancements including bird and bat boxes
- (v) Site waste management plan
- (w) Restriction on the hours of power operated machinery during construction

- (x) Phasing of construction
- (y) Compliance with ecological surveys submitted
- (z) Ecological surveys
- (aa) No external lighting
- (bb) Housing mix within market element to be policy compliant
- (cc) Screened storage
- (dd) Boundary treatments
- (ee) Waste water management plan
- (ff) Construction environment management plan
- (gg) Details of piled foundations
- (hh) Fire hydrant locations
- (ii) Cycle storage
- (jj) Car park traffic management plan

#### Informatives

- (a) Environmental health informatives
- (b) Exclusion of indicative plans from approval

#### **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/2204/15/OL

#### **Report Author:**

David Thompson  
Telephone Number:

Principal Planning Officer  
01954 713250

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Ref	Type	Policy	Required	Detail	Quantum	Fixed contribution / Tariff	Officer agreed	Applicant agreed	Number Pooled obligations
Cambridgeshire County Council									
CCC1	Early years	DP/4	NO	No need identified by CCC to increase early years capacity					
CCC2	Primary School	DP/4	NO	No need identified by CCC to increase capacity at Comberton Primary School					
CCC3	Secondary school	DP/4	NO	No need identified by CCC to increase capacity at Comberton Village College					
CCC4	Libraries and lifelong learning	DP/4	YES	<p>Cambridgeshire County Council have requested a contribution towards modification of the existing library on West Street, to fund mobile freestanding and adjustable shelving and modification of the counter to improve the efficiency of the space.</p> <p>The contribution is based on the figure of £42.12 per person (with an assumed population of 207).</p>	£8,718.84	Fixed	YES	TBC	None
CCC5	Strategic waste	RECAP WMDG	NO	Pooling limit reached such that no further contributions may be secured					
CCC6	Transport	TR/3	NO	All highways improvements are to be secured via a planning condition leading to a section 278 highways agreement.					
South Cambridgeshire District Council									
SCDC1	Onsite open space (sport)	SF/10 and emerging local plan ref H/1:h	YES	<p>The recreation study of 2013 identified Toft as having a deficit of 0.91 ha of sports space. Comberton was identified as having a deficit of 1.24ha.</p> <p>The local plan allocation for this proposal included the requirement to (i) incorporate a full size football pitch and changing facilities for Toft village and (ii) provide community car parking that is also available for overspill parking for Comberton Village College.</p> <p>The application description includes the provision of the car parking and pavilion at up to 150m2.</p> <p>A scheme for the provision of (a) the</p>	Onsite infrastructure		YES	TBC	None

				<p>football pitch (b) the community car parking (c) the changing facilities and (d) the future management and maintenance of (a) to (c) will need to be addressed through a section 106 agreement.</p> <p>It is understood that at present time both Toft Parish Council and Comberton Parish Council do not wish the football pitch and changing facilities being provided.</p> <p>Comberton Parish Council has sought contributions towards either a new pavilion or extension to existing pavilion and funding for the drainage of the recreation ground.</p> <p>If at a later date all parties agree that an alternative mitigation is more appropriate (i.e. upgrading existing facilities), and which still ensure that sufficient measures of mitigation are secured, a section 106 A application to modify the planning obligation may be made to overcome this.</p>					
SCDC2	Onsite open space (children's play)	SF/10	YES	<p>The recreation study of 2013 identified Toft as having a deficit of 0.29 ha of children's play space. Comberton was identified as having a deficit of 1.67ha.</p> <p>The open space and new developments SPD provides a 'guide for when on-site provision will be sought' in terms children's space facilities (i.e. LAPs, LEAPs and NEAPs). For example the SPD suggests than a LAP is required at 10 dwellings, a LEAP at 50 dwellings and a NEAP at 200 dwellings.</p> <p>On this basis the development will be required to provide an onsite LEAP and which will comprise a minimum activity zone of 500m2 consisting of 9 pieces of play equipment (which will comprise at</p>	Onsite infrastructure		YES	TBC	None

				<p>least 6 pieces of play equipment for 4- 8 year olds and at least 3 pieces of equipment for toddlers).</p> <p>The section 106 agreement will also be required to address the future management and maintenance of the play area.</p>					
SCDC3	Onsite open space (informal)	SF/10	YES	<p>The section 106 agreement will need to establish the minimum level of onsite open space in accordance with development control policy SF/11.</p> <p>The section 106 agreement will also be required to address the future management and maintenance of the public open space.</p>	Onsite infrastructure		YES	TBC	None
SCDC4	Offsite indoor community space	DP/4	YES	<p>The community facilities audit of 2009 highlighted that Toft had a surplus of 12.51 m2 of indoor meeting space against the informal policy of 111m2 per 1000 people. Comberton was identified as having a deficit of 97 m2 of indoor meeting space.</p> <p>Historically South Cambridgeshire District Council has looked to make community infrastructure improvements</p> <p>Comberton is defined as a Minor Rural Centre in the Core Strategy and in accordance with the Community Facilities Audit 2009 the proposed standard for Minor Rural Centres is as follows:</p> <ul style="list-style-type: none"> <li>• Rural Centres should have at least one good sized facility which offers access to community groups at competitive rates.</li> <li>• The centre should feature one main hall space suitable for various uses, including casual sport and physical</li> </ul>	Onsite infrastructure	Tariff	YES	TBC	None

			<p>activity; theatrical rehearsals/ performances and social functions. The facility should also offer at least one meeting room.</p> <ul style="list-style-type: none"> <li>• All facilities, including toilets, should be fully accessible, or retro-fitted to ensure compliance with Disability Discrimination Act legislation wherever possible.</li> <li>• Facilities should include a kitchen/catering area for the preparation of food and drink. The venue should have the capacity for Temporary Events for functions which serve alcohol.</li> <li>• Where practical and achievable, new build facilities should be delivered with appropriate energy-efficiency measures in place, although this should be undertaken with the balance of expenditure/saving in mind, given the likely hours of usage.</li> <li>• Facilities should be designed to offer ease of management, as volunteers are likely to be primarily responsible for day to day upkeep.</li> </ul> <p>When the community facilities audit was undertaken in 2009 Comberton Village Hall was said to be a new building with an impressive range of facilities. The main hall is the setting for a variety of productions which take advantage of the stage facilities, specialist stage lighting and hearing loop for the deaf or hard of hearing. There are also good facilities for the disabled including a stair lift. There are good meeting rooms available upstairs and downstairs. Parking is very good and there is also space for users to lock up bikes.</p>					
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				<p>Comberton Parish Council have not put forward any projects in relation to indoor community space.</p> <p>Having regard to the demonstrable need officers are proposing that any onsite changing facility will incorporate an area of hireable community space.</p>					
SCDC5	Household waste receptacles	RECAP WMDG	YES	£72.50 per dwelling	£6,525	Tariff	YES	TBC	
SCDC6	S106 monitoring		YES	A fixed fee of £3,000	£3,000	Fixed fee	YES	TBC	
Non standard requirements									
OTHER1	Health	DP/4	YES	<p>NHS England have sought a contribution from this development towards the cost of providing additional capacity at Comberton Surgery. Any contribution from this development would be pooled with other schemes to deliver the necessary mitigation.</p> <p>District Council officers met with the Practice Manager of Comberton Surgery in July 2015 who advised that additional capacity could be created through the renovation of the building to create additional consultancy rooms. The practice manager also said that the surgery would need to look at purchasing/leasing some more land nearby to accommodate the additional parking requirements (there is a farm which is currently used nearby Comberton surgery).</p>	£30,300	Fixed fee	YES	TBC	None
<p><b>TOTAL - £48,543.84 (subject to final housing mix) NB the cost of providing the changing rooms, the football pitch, the car park (costs unknown) and the LEAP is excluded from this figure</b></p> <p><b>PER DWELLING - £539.38 (subject to final housing mix) NB the cost of providing the changing rooms, the football pitch, the car park (costs unknown) and the LEAP is excluded from this figure</b></p>									

NB. This note covers only infrastructure that is to be secured via a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended). Planning applications are often required to also provide new or improvements to existing infrastructure including but not limited to highways, drainage and biodiversity. Such measures will be secured via a planning condition and details of these are set out in the planning committee report.

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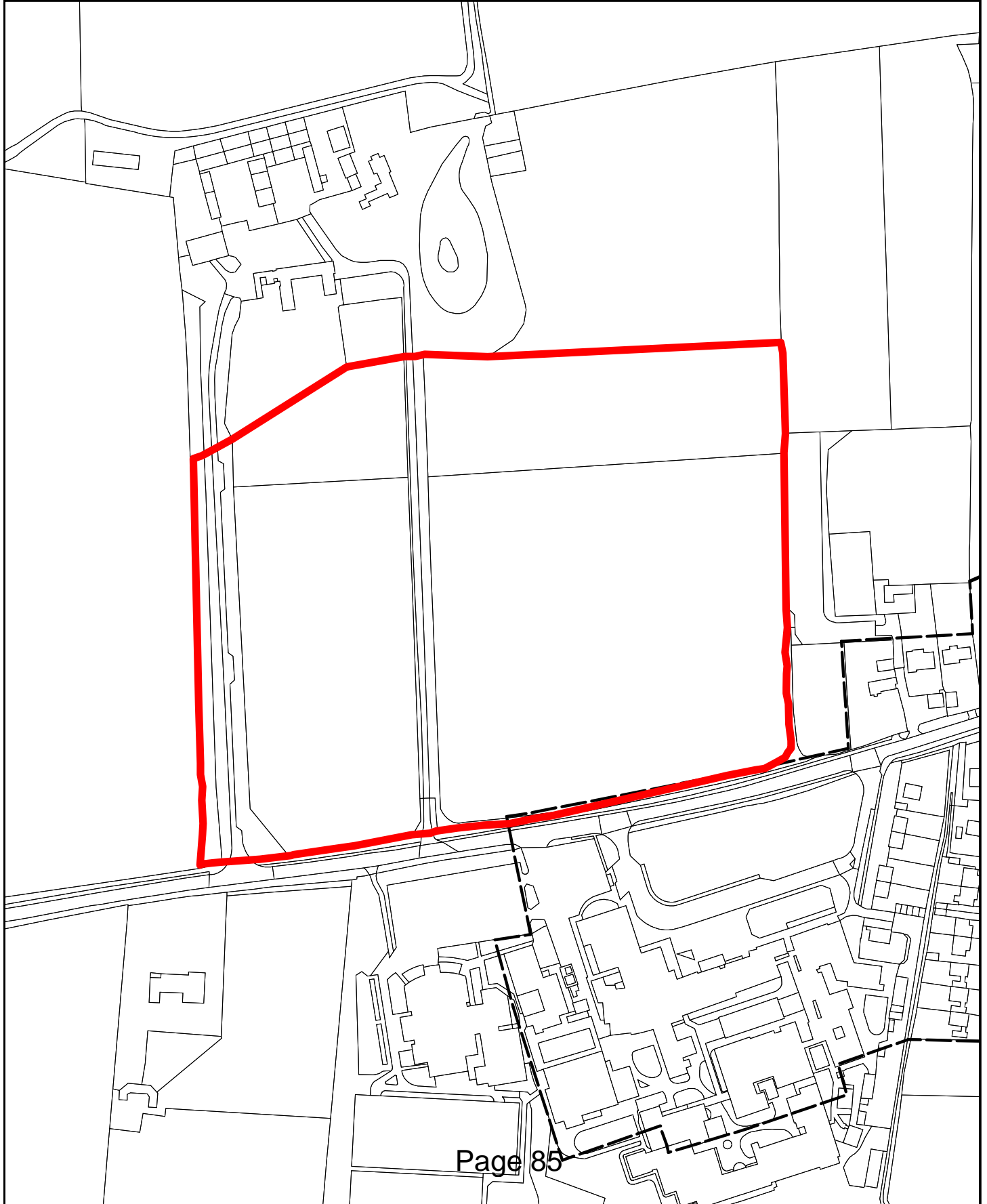
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District Council**

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# Agenda Item 6

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

11<sup>th</sup> May 2016

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

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**Application Number:** S/1952/15/OL

**Parish:** Cottenham

**Proposal:** Outline Application for demolition of existing barn and construction of up to 50 dwellings with all matters reserved except for access.

**Site address:** Land at 36 Oakington Road, Cottenham.

**Applicant(s):** Mr Tim Holmes, Endurance Estates Strategic Land

**Recommendation:** Delegated Approval

**Key material considerations:** Housing Land Supply  
Principle of Development  
Character and Appearance of the Area  
Density  
Housing Mix  
Affordable Housing  
Developer Contributions  
Design Considerations  
Trees and Landscaping  
Biodiversity  
Highway Safety  
Flood Risk  
Neighbour Amenity

**Committee Site Visit:** Yes

**Departure Application:** Yes

**Presenting Officer:** Graham Nourse, Planning Team Leader

**Application brought to Committee because:** Departure Application

**Date by which decision due:** 23rd September 2015 (Extension of Time agreed)

### Executive Summary

1. This application seeks permission for a residential development outside the Cottenham village framework on a greenfield site in the countryside. The development would not normally be considered acceptable in principle when set against current adopted policy as a result of its scale and location. However it is

recognised 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 considered not up to date. The local planning authority must determine the appropriate weight to apply to relevant development plan policies. The NPPF states there is a presumption in favour of sustainable development, and where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

2. In this case the impact of developing up to 50 dwellings (including 40% affordable units) is considered to significantly and demonstrably outweigh the policy constraints contained under policy DP/7). Cottenham is considered a sustainable location which can accommodate the proposed level of development taking into account existing transport links and the level of local services within the village. The application is therefore recommended for approval.

### **Planning History**

#### ***Site***

3. No planning history.

#### ***Adjacent Sites***

S/1818/15/OL – Outline application for up to 225 dwellings (including upto 40% affordable houses) and up to 70 apartments with care (C2), demolition of 117 Rampton Road, introduction of structural planting and landscaping, informal public open space.

PRE/0424/15 – Land to North West of Oakington Road, Cottenham.

### **Planning Policy**

5. The following policies are considered relevant to this application. Policies considered 'out of date' in respect of the lack of a five year housing land supply are referred to later in this report.

#### ***National Guidance***

6. National Planning Policy Framework (NPPF)  
National Planning Practice Guidance 2014 (NPPG)

#### ***Development Plan Policies***

7. **South Cambridgeshire Local Development Framework Core Strategy DPD 2007**  
ST/2 Housing Provision  
ST/5 Minor Rural Centres
8. **South Cambridgeshire Local Development Framework 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/5 Cumulative Development  
DP/7 Development Frameworks  
HG/1 Housing Density  
HG/2 Housing Mix

HG/3 Affordable Housing  
 NE/1 Energy Efficiency  
 NE/3 Renewable Energy Technologies in New Development  
 NE/4 Landscape Character Areas  
 NE/6 Biodiversity  
 NE/11 Flood Risk  
 NE/12 Water Conservation  
 NE/14 Lighting Proposals  
 NE/15 Noise Pollution  
 NE/17 Protecting High Quality Agricultural Land  
 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

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

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

10. **South Cambridgeshire Local Plan Submission 2014**

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/9 Minor Rural Centres  
 HQ/1 Design Principles  
 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  
 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/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**

11. **Cottenham Parish Council** - Recommends refusal and makes the following comments:-

Cottenham Parish Council recommends refusal of the above proposal on the basis that Cottenham is a minor rural centre incapable of sustaining a development of this scale, especially outside the village framework **DP/4**. The adverse impacts of this development significantly outweigh the benefits. **NPPF 14** In particular, rather than 'improving' as per **NPPF 9**, it will have a significant negative effect. The additional traffic generated is sufficient in itself to refuse **DP/3 2k**.

We have serious misgivings about the access onto Oakington Road, which is already a busy road feeding traffic to the rest of the village and beyond via busy roundabouts. We believe that vehicle ownership and use has been seriously underestimated given local patterns of vehicle ownership and use in a minor rural centre and the travel plan is unlikely to mitigate this. The increased intensity of traffic and lack of adequate segregation between pedestrians, cycles and vehicles, especially at access point, will significantly increase accident risk at this point which opens onto a limited visibility road, subject to national speed limits. **DP/3 1b**.

**In addition:**

**Affordable Housing:** In principle Cottenham does not need more affordable houses but not at the expense of an excessive number of market homes disconnected from the village environment. Even the so-called affordable homes won't be affordable for village residents as we have seen from other local developments. Due to the proximity to the edge of the village the development fails to be sustainable (**DP/1 1b** – minimise the need to travel and reduce car dependency) and **NPPF 34, 35, 37 and 38**.

**Pre-school places:** the development fails to meet **NPPF 72**. Cottenham has a known excess of demand over places which will get worse with the change of rules from 2016 and the proposal will increase that demand without doing anything about the supply. Contributions under **DP/4.2 2.15** will be required.

**Medical/day care facilities:** the development will increase both the general population by approx. 3% which will increase demands on our already overburdened facilities. These facilities are located an unsustainable distance from the development site. The development fails to meet **DP/1 1m and DP/3 1f**.

**Employment:** the development fails to meet **NPPF 17 and 19**. Without local provision it will increase local commuter traffic. (**DP/1 1b** – minimise the need to travel and reduce car dependency).

**Leisure:** our current demand for leisure facilities outstrips supply. A 3% increase in population will only worsen this problem. The proposed development is located an unsustainable distance away from the core of the village. The development fails to meet **DP/1 1m and DP/3 1f**. There is no meaningfully sustainable way for residents from established areas of the village to use any facilities on site due to its remoteness **NPPF 58**.

**Easier movement in/out/around the village:** the proposed development acknowledges that it will increase traffic on an already busy road. This traffic will then flow onto junctions with known congestion problems. They also haven't taken into account local car ownership so the estimated number of vehicles will be significantly higher than Endurance claim. Furthermore traffic volumes quoted are from a non-neutral month and will be higher. This in itself **DP/3 2k** is sufficient to refuse this application. The distance of the site from the village central facilities will increase parking **NPPF 39**. Pedestrian access does rely on significant improvements to speed



management on Oakington Road and also the quality of pavements between the site and Rampton Road. The proposed new access would bring traffic onto Oakington Road with a national speed limit with limited visibility SW requiring some form of speed management over the section up to and including the slight bend. **DP/3 1b&f and DP/4 1** apply. Increased traffic volumes are inconsistent with Cottenham village design statement **H/2**.

The Endurance travel plan is flawed and is not appropriate in a rural location. We lack confidence in the plan to decrease the number of traffic movements. Contrary to **DP/11 b, NPPF 32, 34, 35, 37, 38 and 39**.

**Conservation/village core: NPPF 131, 132, 134 and 138.** The distance of the development from the village core will lead to an increase in traffic and parking, therefore damaging the character of the village core and the views approaching the village from Oakington. Also contrary to **Cottenham Village Design Statement and DP/11 p, DP/21, DP/32 and m and DP/71**. The development is incongruous to the built development of Cottenham – a developed core with only linear development on arterial roads. Contrary to **NPPF 17** and the **Cottenham Village Design Statement**.

**Noise/pollution:** Contrary to **NPPF 110, 123 and 58**. There is nothing to lessen effects of increased traffic on existing residents on Oakington Road or indeed the rest of the village. **DP/3 2j, k&n**.

**Overloading of Primary School:** Contrary to **NPPF 72**. The new extension was built to cope with the current capacity. Any increase in capacity would need to be handled sensitively to limit damage to the cohesive role that the school plays in the village. **DP/1 1m, DP/4 2 15**.

**Drainage: NPPF 102.** They have not taken into account the flood risk. Cottenham is a fen edge village and within the village is Cottenham Lode, the main route from which surface water is taken from a large area (including Bar Hill, Oakington and, under some circumstances Northstowe) via the Catchwater Drain out to the Wash. We are particularly concerned about anything that adds water flow to the route.

**Loss of agricultural land:** Contrary to **NPPF 112**.

Following receipt of amended site access details the Parish Council do not consider the design is adequate to mitigate the safety issues presented by traffic using a single access point to enter a busy national speed limit road with limited visibility.

Note the Parish Council are undertaking their own traffic measurements to demonstrate that the TRICS based predictions in the Transport Plan are unreliable.

Do not consider the traffic plan effective. Consider that traffic generation is higher in this locality due to higher than average car ownership and use. This position aggravated due to reduction in bus services.

It is suggested that car movements will be exacerbated by the need to undertake car journeys to the High Street.

12. **Urban Design Officer** – Notes need to ensure higher density to centre of site with lower density at site boundaries to allow built form to fragment into existing landscape. Need to ensure provision of footpath along Oakington Road.
13. **Landscape Design Officer** – In principle no objection to the proposed scheme but

notes careful landscape mitigation and enhancement measures required via condition.

14. **Arboricultural Officer** – No objections subject to necessary condition requiring details and implementation of high quality landscape scheme.
15. **Ecology Officer** - Has no objections but requires a condition securing the permanent retention of the western boundary hedge to maintain a corridor of a minimum of 10 metres so that Badgers ( a sett is located 70 metres to the north of the site) can move across the site unaffected by residential development. The proposed masterplan has been amended to accommodate this requirement.
16. **Local Highways Authority** – Notes revised access drawings are acceptable and requests conditions securing appropriate visibility splays, removal of permitted development rights in respect of additional access points, provision of pedestrian crossing point, pedestrian footway visibility, surface water falls, new access to be constructed of bound material, need for traffic management plan.
17. **Cambridgeshire County Council Transport Assessment Team** – initial objection to required visibility splays now resolved. Also suggest need for pedestrian link to village secured under s106 agreement as well as conditions securing appropriate visibility splays, removal of permitted development rights in respect of additional access points, provision of pedestrian crossing point, pedestrian footway visibility, surface water falls, new access to be constructed of bound material, need for traffic management plan.
18. **Cambridgeshire County Council Flood and Water Team** – Following revised Surface Water Assessment details no objection is raised subject to conditions requiring submission of a detailed surface water management scheme and detailed management arrangements for the implementation of this scheme.
19. **Old West Internal Drainage Board** – Note that Cambridgeshire County Councils Flood and Water Team should be consulted. The Board is aware that flooding has occurred to the south of the application site along Histon Road and the proposed development should not exacerbate this. Requests consultation at Reserved Matters stage to further assess impact on their drainage area.
20. **Environment Agency** - Has no objections subject to conditions in relation to any contamination found on site during works and a scheme of pollution control of the water environment to include surface water drainage. Also requests informatives to be attached to any Approval.
21. **Anglian Water** - Comments that the foul drainage from this development is in the catchment of the Cambridge Water Recycling Centre that will have available capacity for these flows and that the sewerage system at present has available capacity for these flows via a gravity connection to manhole 4003 in Oakington Road. Request condition requiring surface water management strategy.
22. **Environmental Health Officer** - Has no objections in principle to the proposed development but requests conditions relating to Construction Noise/Vibration & Dust, Artificial Lighting, a Waste Management Strategy and a scheme for the recharging of electric vehicles.
23. **Contaminated Land Officer** – Raises no objection but requests that a condition requiring the works required in the Phase II Ground Investigation Report are fully implemented. Need for ground gas protection measures.

24. **Historic Buildings Officer** – Notes the site is east of Cottenham, outside the conservation area. No objections raised.
25. **Cambridgeshire County Council Education Team** – Required contribution as set down with s106 requirements contained at Appendix A.
26. **NHS England** – Consider that due to lack of capacity with existing services the development would give rise to a need for an improvement to capacity by way of extension, refurbishment or reconfiguration or relocation of the existing practices the cost of which would have to be met at least in part by the developer. A capital cost (contribution) is therefore requested of £16,440.
27. **CCC Architectural Liaison Officer** – raises no objection but notes need to ensure that parking areas have adequate surveillance.
28. **Natural England** – responded noting they had no comments in respect of this application.
29. **Cottenham Village Design Group** – the CVDG object to this application due to the remote location of the site relative to village facilities and have concerns regarding cumulative impact of this scheme and similar applications on Oakington and Rampton Roads. The CVDG consider that the proposed scheme offers no meaningful new facilities and offers nothing to extend employment opportunity within Cottenham. It is considered that the scheme projects into open countryside and is significantly more distant from the services in the village core. It is suggested that to compliment proposed open space a new pedestrian and cycle access through to Rampton Road (via other potential development sites) is created. The CVDG have raised concern at the increase in traffic generation (due to site location relative to village core), impact on cyclists and the relatively poor public transport network.

### **Representations**

30. Seven letters of representation have been received from local residents. The following concerns are raised:
  - i) Highway danger due to new access
  - ii) Increase in traffic and associated dangers
  - iii) Need for additional footpaths/cycleways
  - iv) Impact on drainage ditches
  - v) Lack of village infrastructure to support development
  - vi) Primary school lacks capacity
  - vii) Doctor surgeries lack capacity
  - viii) Potential flooding issues
  - ix) Cumulative impact of proposed adjoining development (Gladmans).
  - x) Cumulative impact of this site with other development sites in the village
  - xi) Impact on wildlife
  - xii) Premature to development of Local Plan
  - xiii) Need for affordable housing in the village
  - xiv) Site in unsustainable location
  - xv) Poor quality of existing footpath/cycle links
  - xvi) Concerns relating to overlooking/loss of light/loss of view
  - xvii) Potential for coalescence

## **Planning Assessment:**

### ***Site and Surroundings***

32. The site is located outside the Cottenham village framework and in the countryside. It is situated on the south east edge of the village on Oakington Road and located on an area of arable land set between existing residential development located on 'The Rowells' and a residential dwelling (Redlands) with agricultural buildings to the south east. The site measures 1.90 hectares in area and is square shaped in nature. The western boundary is characterised by mature hedgerow with the site frontage to Oakington Road also containing some mature planting. Boundaries to north west and north east are mainly bounded by post and wire fencing. Agricultural land exists to the north of the site and also to the south of Oakington Road. The site is located in Flood zone 1.

### ***Proposed Development***

33. The proposed development seeks outline permission for a residential development of up to 50 dwellings along with a new vehicular access direct from Oakington Road. A footpath link into the village is also provided. The layout, design and external appearance of the site, and landscaping are matters reserved for later approval. The scheme provides for a mix of housing types including 6 x 1 bed dwellings, 10 x 2 bed dwellings, 16 x 3 bed dwellings, 12 x 4 bed dwellings and 5 x 5 bed dwellings. The dwellings would be predominantly 2 storey with some at 2.5 storey height. An illustrative masterplan submitted with the scheme identifies that the south west boundary hedging will be retained with a full landscape scheme provided to other site boundary edges. A public open space has been provided within the development. A 'protected corridor' to accommodate badger movement is also shown to the south west boundary of the site. Further detail would be provided under any future Reserved Matters application. Parking spaces would be in accordance with the Council's parking standards. Design and materials would also be considered at Reserved Matters stage but would be expected to reflect and compliment the existing village character.

## **Principle of Development**

### ***Housing Land Supply***

34. 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.
35. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 3.9 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 2015). 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.
36. Further guidance as to which policies should be considered as 'restricting housing

land supply' emerged from a recent Court of Appeal decision (Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes). The Court extended the definition of 'relevant policies for the supply of housing' from, '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,' 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 weight should attach to such relevant policies.

37. In the case of this application policies which must be considered as potentially influencing the supply of housing land include ST/2 and ST/5 of the adopted Core Strategy, adopted policies DP/7 and NE/17 (Development Control Policies) and S/7, S/8, and NH/3 of the draft Local Plan.
38. 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 for instance).
39. The site is located outside the Cottenham village framework and in the countryside where Policy DP/7 of the LDF and Policy S/7 of the emerging 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 proposed residential development would therefore not normally be acceptable. However as noted above under policy contained within the NPPF this policy is considered out of date due to the current lack of a 5 year housing land supply and therefore has limited weight.
40. It falls to the Council as decision maker to assess the weight that should be given to the existing policy. The Council considers 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. Cottenham is identified as a Minor Rural Centre under Policy ST/5 of the LDF and Policy S/8 of the emerging Local Plan where there is a good range of services and facilities and residential developments of up to 30 dwellings are supported in policy terms. The erection of up to 50 dwellings would exceed the amount of residential dwellings normally allowed in such locations. However this must be balanced against the need for housing land and the fact that Cottenham is a sustainable location which is capable of accommodating this level of additional housing. Therefore only limited weight can be applied to policy ST/5. In all other respects the proposed scheme complies with adopted and emerging policy.

### ***Deliverability***

41. There are no known technical constraints to the site's delivery. Officers are therefore of the view 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.

### ***Sustainability of development***

42. 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.

#### ***Economic.***

43. The provision of up to 50 new dwellings will give rise to employment during the construction phase of the development, and has the potential to result in an increase in the use of local services and facilities, both of which will be of benefit to the local economy.

#### ***Social.***

44. The development would provide a clear benefit in helping to meet the current housing shortfall in South Cambridgeshire through delivering up to 50 residential dwellings. 40% of these units will be affordable (20 units). Officers are of the view the provision of up to 50 houses, including the affordable dwellings, is a benefit and significant weight should be attributed this in the decision making process.
45. Public open space is shown on the indicative layout plan, and this will need to be secured through a Section 106 agreement, along with off-site and maintenance contributions where appropriate. It will be mainly utilised by occupiers of the proposed development, and is not likely to become used by the wider population of the village, given its location at the edge of the village.

#### ***Environmental:***

##### ***Trees/Landscaping***

46. As noted the site has a mature hedge to the west boundary which should be retained as part of this development. The hedge makes a significant contribution to the visual appearance of the site when viewed from the western approach to the village. There are few trees of any note on the site. A detailed landscape scheme will be required at Reserved Matters stage and will be required to provide further mitigation against the visual impact of the development. The proposed development is not considered to cause wider harm to the surrounding landscape or adjoining urban area.

##### ***Biodiversity***

47. As previously noted a Badger sett is located some 70 metres to the north of the site. The applicant has acknowledged the need to allow for movement of Badgers across the site and has indicated provision of a 3 metre protected corridor to enable this. Further detailed design of this corridor will be negotiated at Reserved Matters stage but in principle is acceptable. The site generally has low ecological value.

##### ***Housing Density***

48. The site measures 1.90 in area. The development equates to a density of 26 dwellings per hectare (including the public open space), 28 dwellings to the hectare (excluding the public open space). This would not comply with Policy HG/1 of the LDF

that seeks a density of at least 40 dwellings per hectare in the more sustainable villages across the district such as Cottenham. However only limited weight can be applied to HG/1 in this case and therefore it is considered that this relatively low density development would be appropriate to a site located on the village edge.

### ***Affordable Housing***

49. It is proposed that 20 of the 50 dwellings would be affordable dwellings. This would comply with the requirement for 40% of the development to be affordable housing as set out in Policy HG/3 of the LDF and Policy H/8 of the emerging Local Plan to assist with the identified local housing need across the district. Affordable housing will be secured by s106 agreement.

### ***Housing Mix***

50. As noted above an acceptable mix of dwellings (1 – 5 bed units) is proposed and would assist in addressing local needs and compliant with Policy HG/2 of the LDF or Policy H/9 of the emerging Local Plan.

### ***Developer Contributions***

51. A full description of the required Developer Contributions, for this site, are contained in Appendix A. This includes Public Open Space, education provision, healthcare etc.

### ***Design Considerations***

52. The application is currently at outline stage only with only access to be considered as part of any approval. All other matters in terms of the layout of the site, scale, external appearance and landscaping are for determination at Reserved Matters stage.
53. The Urban Design Officer has recommended that lower density development should be located next to the site boundaries to soften the impact of the development on the edge of the village where it joins with the countryside. Officers will work with the applicant to ensure this guidance is implemented at the detailed design and layout stage. An area of public open space is proposed within the site – additional off site contributions will be required (see Appendix A).
54. The indicative layout demonstrates that the site can accommodate 50 dwellings without significant harm to the landscape, visual amenity or the character of the site. Although encroaching into the countryside this must be balanced against the weight given to the delivery of housing.

### ***Highway Safety***

55. The site entrance is located centrally to the site frontage and direct from Oakington Road. The site is within a 60 mph zone which slows to a 30mph limit just before 'The Rowells'. The road is however straight in nature and The Highway Authority have indicated their acceptance of the site entrance and proposed visibility splays subject to necessary planning conditions. Additionally a new footpath will be constructed linking the site entrance to the existing footpath on the north side of Oakington Road to be secured by s106 agreement. Additional footway improvements to create a shared pedestrian and cycle way to the south side of Rampton Road are also proposed. A scheme to move the current 30mph speed limit to the western edge of the new development will also be secured by s106 agreement.

56. The width of the new access road into the site is 5.5 metres with 2.0 metre footpaths on each side. These widths meet the required highway standards for a development of this size. The Highway Authority have not raised objection to the level of traffic generated by the development but have requested a full travel plan to be submitted following first occupation of the dwellings (secured by condition).

### ***Flood Risk***

57. The site is located within Flood Zone 1 (low risk). There are no significant watercourses located within close proximity to the site and it is noted that neither the Environment Agency or the County Council Flood and Water team raise objection to the scheme, but require provision and implementation of acceptable surface water schemes to be secured by condition.

### ***Neighbour Amenity***

58. Clearly new development creates a certain level of impact on existing residential amenity but the siting and design of the new dwellings in this case can be planned in a manner which will minimise impact on existing residential amenity. At Reserved Matters stage the applicant will be expected to ensure neighbour amenity is protected in terms of mass, light and overlooking. In addition a condition would be attached to any consent in relation to the hours of use of power operated machinery during construction and construction related deliveries to minimise the noise impact upon neighbours.

### ***Services and Facilities***

- 59 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.

Cottenham is served by a large range of services and facilities which includes Pre-school, Primary school, Secondary school, Sixth form college, fire station, library, mobile library service, five food shops, a post office, two doctors surgeries and a range of other retail outlets and community facilities. Although there is some local employment generated within the village it is accepted that the majority of residents would seek employment outside the village.

Cottenham is considered as a 'Minor Rural Centre' in the Core Strategy settlement hierarchy. Villages such as Cottenham, which have a good level of services, provide services and facilities for surrounding smaller villages. The village is also well served by regular bus services to Cambridge, Chatteris and Ely. This includes a daily service to Cambridge which runs every 20 minutes.

Although the current scheme is above the guideline of 30 dwellings as the indicative maximum scale of new development this must be balanced against the need for additional housing land and the good provision of local services compared to less sustainable locations.

### ***Other Matters***

60. The development is not considered to result in a risk of contamination providing a condition is attached to any consent to control any contamination identified during the development and to ensure that ground gas protection measures are implemented as



part of the development.

61. The proposal would not result in the loss of any important features of archaeological interest and following site evaluation the County Council Historic Environment team conclude that no significant archaeological remains are likely to be present within the development area.
62. Although it is noted that the development would result in the loss of high grade agricultural land, the need for housing in the district is considered to outweigh the loss of a very small proportion of agricultural land in the district.

### **Conclusion**

63. 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:
- ST/2: Housing provision
  - ST/5: Minor Rural Centres – indicative maximum scheme size of 30 dwellings
  - DP/1: Sustainable Development
  - DP/7: Village Frameworks
  - HG/1: Housing density
  - HG/2: Housing mix
  - NE/6: Biodiversity
  - NE/17: Protecting high quality agricultural land

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.

64. The proposed development raises relatively few technical concerns and accordingly little weight can be given to the above 'out of date' policies, although it is acknowledged that the development does have some visual impact and does encroach into the countryside. The possible cumulative impact of other proposed developments in the locality is also a consideration. However these concerns must be weighed against the following benefits of the development:
- i) The provision of 50 additional dwellings and their contribution towards the 1400 dwellings required to achieve a 5 year housing land supply in the district based on the objectively assessed 19,000 dwellings target set out in the SHMA and the method of calculation and buffer identified by the Inspector in the recent Waterbeach Appeal decisions.
  - ii) The provision of 20 affordable dwellings towards the need of 1,700 applicants across the district.
  - iii) Developer contributions towards public open space and community facilities in the village.
  - iv) Suitable and sustainable location for this scale of residential development given the position of the site in relation to access to public transport, services and facilities and local employment.
  - v) Provision of a new footpath linking the development to the village.
  - vi) Employment during construction to benefit the local economy.
  - vii) Greater use of local services and facilities to contribute to the local economy and improve their sustainability.

65. The adverse impacts of this development are not considered to significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole which aim to boost significantly the supply of

housing and which establish a presumption in favour of sustainable development in the context of the lack of a 5-year housing land supply. Planning permission should therefore be granted because material considerations clearly outweigh the limited harm identified and the conflict with out of date policies of the LDF relating to housing delivery.

### **Recommendation**

66. It is recommended that the Planning Committee grants officers delegated powers to approve the application (as amended) subject to the following conditions and section 106 agreement.

### **Conditions**

1. Approval of the details of the layout of the site, the scale and appearance of buildings, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline only.)
2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
(Reason - The application is in outline only.)
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Drawing Nos 338\_366\_002; 338\_366\_003; 1411-55\_PLO3\_Rev\_D.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
5. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment

[for each dwelling] shall be completed before that/the dwelling is occupied in accordance with the approved details and shall thereafter be retained.  
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

7. No development shall take place until a plan showing the finished floor levels of the proposed dwellings in relation to the existing and proposed ground levels of the surrounding land has been submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

(Reason - In the interests of residential/visual amenity, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

8. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each have been submitted to and approved in writing by the Local Planning Authority.

i) A Preliminary Risk Assessment (PRA) including a Conceptual Site Model(CSM) of the site indicating potential sources, pathways and receptors, including those off site.

ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised CSM.

iii) Based on the risk assessment in ii) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

iv) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in iii). The long term monitoring and maintenance plan in iii) shall be updated and implemented as approved.

(Reason - To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and previous land use in line with National Planning Policy Framework paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP/3)).

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with, and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

(Reason - To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and previous land use in line with National Planning Policy Framework paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP/3)).

10. Development shall not begin until a scheme for surface water drainage disposal

has been submitted to, and approved in writing by, the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approved details.

(Reason - To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and previous land use in line with National Planning Policy Framework paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP/3)).

11. Piling or other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.  
(Reason - To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and previous land use in line with National Planning Policy Framework paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP/3)).
12. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.  
(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
13. No development shall be commenced until details of the surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the Local Planning Authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 30% allowance for climate change. The submitted details shall be in accordance with Flood Risk Assessment ref. 41323 dated July 2015 and:
  - i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) Provide a management and maintenance plan for the lifetime of the development.  
(Reason - To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity).
14. Prior to the first occupation of the development, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted drawings Nos. 1411-53\_PLO3\_Rev\_D . The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the

adjacent highway carriageway.  
(Reason - In the interests of highway safety.)

15. The proposed accesses shall be constructed so that the falls and levels are such that no private water from the site drains across or onto the public highway, and shall be constructed using a bound material to prevent debris spreading onto the public highway.  
(Reason - For the safe and effective operation of the highway, and in the interests of highway safety.)
16. No demolition or construction works shall commence on site until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The principle areas of concern that should be addressed are:
  - i) Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
  - ii) Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street
  - iii) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
  - iv) Control of dust, mud and debris. (Note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.)  
(Reason - In the interests of highway safety.)
17. Unless otherwise agreed in writing with the Local Planning Authority, no development shall take place until a scheme for the provision of on-site renewable energy to meet 10% or more of the projected energy requirements of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.  
(Reason - To ensure an energy efficient and sustainable development in accordance with Policies NE/1 and NE/3 of the adopted Local Development Framework 2007.)
18. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.  
(Reason - To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
19. The dwellings, hereby permitted, shall not be occupied until parking for cars, and covered and secure cycle parking has been provided within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.  
(Reason - To ensure the provision of covered and secure cycle parking in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)
20. No development shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the

Local Planning Authority.

(Reason - To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

21. Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless otherwise inspected by a suitably qualified ecologist and found not to be providing for nesting birds, or a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority.  
(Reason - To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
22. No development shall take place until a scheme for the siting and design of the screened storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage [for each dwelling] shall be completed before that/the dwelling is occupied in accordance with the approved scheme and shall thereafter be retained.  
(Reason - To provide for the screened storage of refuse in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
23. No development including demolition or enabling works shall take place until a Site Waste Management Plan for the demolition and construction phases has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full.  
(Reason - To ensure that waste arising from the development is minimised and that which produced is handled in such a way that maximises opportunities for re-use or recycling in accordance with Policy DP/6 of the adopted Local Framework 2007.)
24. During the period of demolition and construction, no power operated machinery shall be operated on the site, and no construction/demolition dispatches from or deliveries to the site shall take place before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.  
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
25. No development shall commence until a programme of measures to minimise the spread of airborne dust (including the consideration of wheel washing and dust suppression provisions) from the site, during the demolition/construction period, or relevant phase of development, has been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in accordance with the approved details/scheme unless the Local Planning Authority approves the variation of any detail in advance in writing.  
(Reason – To protect the amenities of nearby residential properties in accordance with Policies NE/15 and NE/16 of the adopted Local Development Framework 2007.)
26. No development (including any pre-construction, demolition or enabling works) shall take place until a comprehensive construction programme identifying each phase of the development, and confirming construction activities to be undertaken in each phase and a timetable for their execution submitted to and approved in

writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved programme unless any variation has first been agreed in writing with the Local Planning Authority.

(Reason – To protect the amenities of nearby residential properties in accordance with Policies NE/15 and NE/16 of the adopted Local Development Framework 2007.)

27. Prior to the occupation of any dwelling, an assessment of the noise impact of plant and/or equipment, including any renewable energy provision sources such as any air source heat pump, on the proposed and existing residential premises, and a scheme for insulation as necessary, in order to minimise the level of noise emanating from the said plant or equipment, shall be submitted to and approved in writing by the Local Planning Authority. Any noise insulation scheme as approved shall be fully implemented before the use hereby permitted is occupied, and shall thereafter be maintained in strict accordance with the approved details and shall not be altered without prior approval.

(Reason – To protect the amenities of nearby residential properties in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

#### **Requirements under Section 106 of the Town and Country Planning Act 1990**

- (a) Affordable housing
- (b) Footpath along northern side of Oakington Road to connect to existing footpath.
- (c) Widening of existing footway between site and Rampton Road junction.
- (d) Widening of existing footway along south side of Rampton Road between its
- (e) junction with Oakington Road and the B1049.
- (f) Bus stop upgrades
- (g) Education contribution
- (h) Open space
- (i) Community facilities

#### **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.

- National Planning Policy Framework (NPPF)
- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- South Cambridge Local Plan Submission 2014
- Planning File References S/1431/15/OL, S/1359/13/OL, S/0645/13/FL, S/0296//15/FL, S/1907/14/OL and S/0558/14/OL

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Ref	Type	Policy	Required	Detail	Quantum	Fixed contribution / Tariff	Officer agreed	Applicant agreed	Number Pooled obligations
Cambridgeshire County Council									
CCC1	Early years	DP/4	YES	See 'Primary School'	£59,400	Fixed fee	YES	YES	None
CCC2	Primary School	DP/4	YES	<p>CCC are seeking a contribution towards the cost of an eventual 1FE expansion at Cottenham primary school with a 2 classroom provision for early years (total cost £3,500,000 @ 1Q16).</p> <p>The impact of three proposed developments at Rampton Road and Oakington Road are anticipated to generate the need for 54% of the extension, of which this development generates 11% (of the 54%).</p> <p>The project in the s106 agreement will refer to a 0.5FE extension to ensure that the County Council will be able to pool contributions from later developments to achieve the overall mitigation.</p>	£148,500	Fixed fee	YES	YES	None
CCC3	Secondary school	DP/4	NO	No need identified by CCC to increase capacity at Cottenham Village College					
CCC4	Libraries and lifelong learning	DP/4	YES	<p>Cottenham is served by a level one library with an operational space of 128 sqm. The County Councils proposed solution to mitigating the impact on the libraries and lifelong learning service arising from this site and others in the area would be to modify the internal area at Cottenham library, to create more library space and provide more shelving and resources.</p> <p>This figure is based on the MLA Standard Charge Approach for public libraries (Public Libraries, Archives and New Development: A standard Charge Approach (Museums, Libraries and Archives Council, May 2010)).</p>	£7,502.50	Fixed fee	YES	YES	None
CCC5	Strategic waste	RECAP WMDG	NO	Pooling limit reached such that no further contributions may be secured					

CCC6	Transport	TR/3	YES	<p>Bus stop shelter maintenance (note the provision of a bus shelter will be secured via a planning condition) to be paid to Cambridgeshire County Council</p> <p>Requirement to undertake the advertisement of an extension to the 30 mph speed limit to the western boundary of the site. Subject to the outcome of the consultation the applicant will be required to fully fund the installation of the new limit including all legal costs and physical works.</p>	£7,000	Fixed fee			None
South Cambridgeshire District Council									
SCDC1	Offsite open space (sport)	SF/10	YES	<p>The recreation study of 2013 identified Cottenham as having a deficit of 5.26ha of outdoor sports space.</p> <p>Cottenham Parish Council has identified the construction of a new pavilion building on the playing fields, which combines changing rooms, clubroom and catering facilities, etc to mitigate the impact of growth in the village. The estimated cost is £350,000.</p> <p>The money may also be used to bring the cricket pitch back to its former high quality (including improved drainage systems).</p> <p>In applying the standard contributions to a policy compliant (albeit example) housing mix an offsite community space contribution of circa £56,000 would be payable.</p> <p>However, here the Council is looking to secure a smaller level of contribution (i.e. £21k) on the basis that an extra £25k will be secured towards the new village hall (see 'Offsite indoor community space') and which is considered a higher priority in the</p>	£21,000	Fixed fee	YES	YES	None

				village.					
SCDC2	Offsite open space (children's play)	SF/10	YES	<p>The recreation study of 2013 identified Cottenham as having a deficit of 4.70ha of children's play space.</p> <p>The offsite play contributions will be used by Cottenham Parish Council to help finance the provision of a MUGA and play equipment for older children on the recreation ground.</p>	£77,000	Fixed fee	YES	YES	None
SCDC3	Offsite open space (informal open space)	SF/10	YES	To be provided onsite. Maintenance fee required if transferred to Cottenham Parish Council.	£TBD				
SCDC4	Offsite indoor community space	DP/4	YES	<p>Cottenham is served by the Cottenham Salvation Army Hall and Cottenham Village Hall but nevertheless against the adopted standard there is a recognised shortfall of 383 square metres of indoor community space.</p> <p>Cottenham is defined as a Minor Rural Centre in the Core Strategy and in accordance with the Community Facilities Audit 2009 the proposed standard for Minor Rural Centres is as follows:</p> <ul style="list-style-type: none"> <li>• Rural Centres should have at least one good sized facility which offers access to community groups at competitive rates.</li> <li>• The centre should feature one main hall space suitable for various uses, including casual sport and physical activity; theatrical rehearsals/ performances and social functions. The facility should also offer at least one meeting room.</li> <li>• All facilities, including toilets, should be fully accessible, or retro-fitted to ensure compliance with Disability Discrimination Act legislation wherever possible.</li> </ul>	£50,000	Fixed fee	YES	YES	None

				<ul style="list-style-type: none"> <li>• Facilities should include a kitchen/ catering area for the preparation of food and drink. The venue should have the capacity for Temporary Events for functions which serve alcohol.</li> <li>• Where practical and achievable, new build facilities should be delivered with appropriate energy-efficiency measures in place, although this should be undertaken with the balance of expenditure/saving in mind, given the likely hours of usage.</li> <li>• Facilities should be designed to offer ease of management, as volunteers are likely to be primarily responsible for day to day upkeep.</li> </ul> <p>Cottenham Parish Council has advised the District Council that they intend to construct a new village hall on land that is within their control.</p> <p>The estimated cost of this building is £800,000 and is based on constructing a similar sized building to the new sports pavilion that the Parish Council recently built. The Parish Council have drawn up a brief for the building design and have now appointed an architect.</p> <p>In applying the standard contributions to a policy compliant (albeit example) housing mix an offsite community space contribution of circa £25,000 would be payable.</p> <p>However, here the Council is looking to secure a higher level of contribution (i.e. £50k) on the basis that an extra £25k will be secured towards the new village hall rather than offsite sport and which is considered a higher priority in the</p>					
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				village.					
SCDC5	Household waste receptacles	RECAP WMDG	YES	£72.50 per dwelling	£3,625	Tariff	YES	YES	
SCDC6	S106 monitoring		YES	A fee of £500 is sought	£500	Fixed fee			
Non standard requirements									
OTHER1	Health	DP/4	YES	<p>A contribution is required towards either a new health centre or an extension to the Telegraph Street Surgery, which is a branch to the Firs House Surgery based in Histon.</p> <p>Figures provided by NHS England based of tariff approach.</p> <p>On the basis that there is uncertainty as to the final housing numbers and mix the following tariff is proposed being used:</p> <p>1 bed: £183.77 2 bed: £240.00 3 bed: £331.88 4 bed: £455.30</p>	£16,400	Tariff	YES	YES	None
<b>TOTAL - £390,927.50 (subject to final housing mix)</b>									
<b>PER DWELLING - £7,818.55 (subject to final housing mix)</b>									

NB. This note covers only infrastructure that is to be secured via a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended). Planning applications are often required to also provide new or improvements to existing infrastructure including but not limited to highways, drainage and biodiversity. Such measures will be secured via a planning condition and details of these are set out in the planning committee report.

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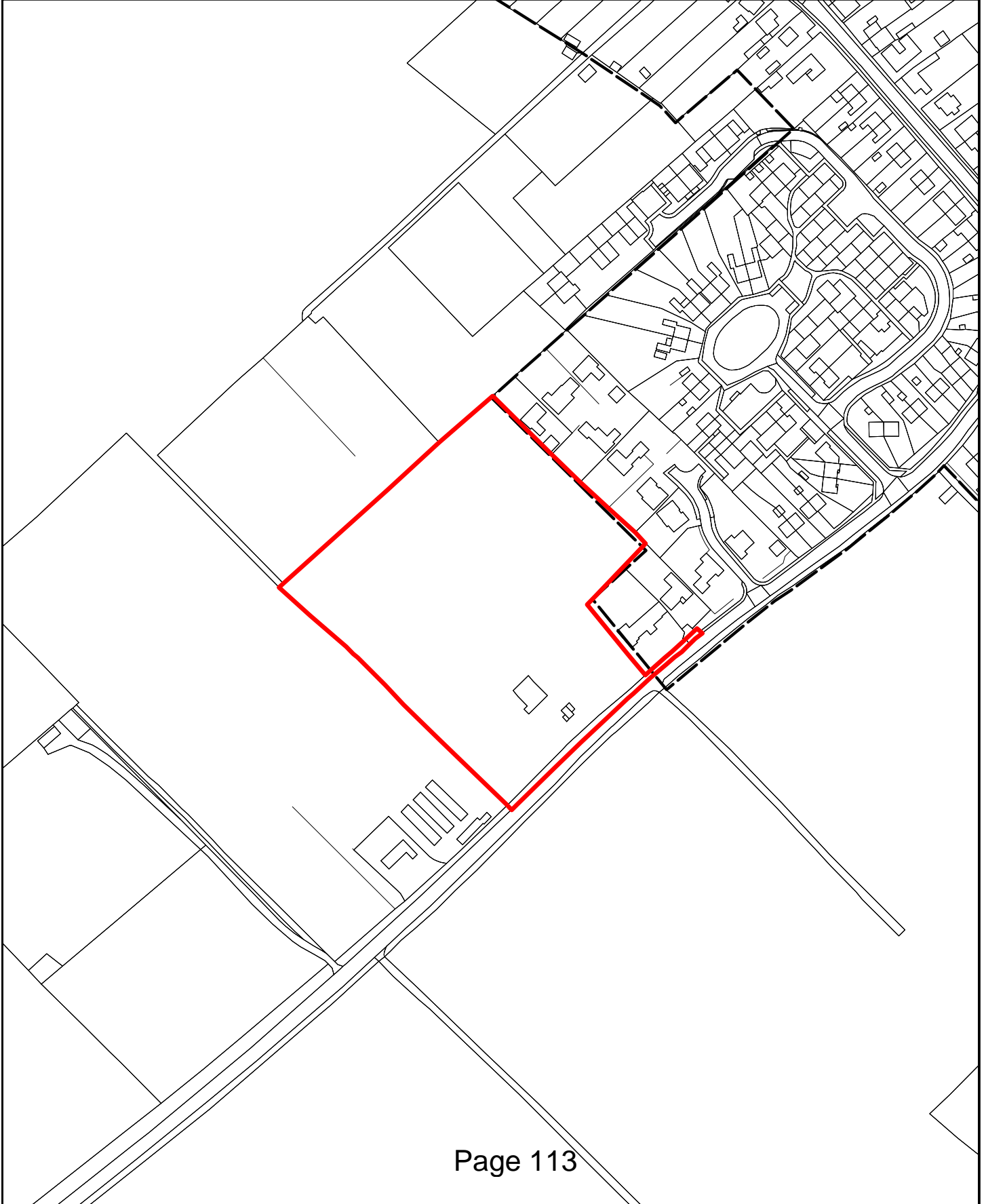
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Cambridgeshire  
District Council**

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# Agenda Item 7

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

11 May 2016

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

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<b>Application Number:</b>	S/1818/15/OL
<b>Parish(es):</b>	Cottenham
<b>Proposal:</b>	Outline application for the erection of up to 225 residential dwellings (including 40% affordable housing) and up to 70 apartments with care (C2), demolition of no. 117 Rampton Road, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access points from Rampton Road and associated ancillary works. All matters are reserved with the exception of the main site accesses.
<b>Site address:</b>	Land off Rampton Road, Cottenham
<b>Applicant(s):</b>	Gladman Developments Ltd
<b>Recommendation:</b>	Refuse
<b>Key material considerations:</b>	The main issues are whether the proposed development would provide a suitable site for housing, having regard to the principles of sustainable development and housing land supply, scale of development, impact on the village character and landscape, impact on heritage assets, level of services and facilities, access and transport, drainage and ecology.
<b>Committee Site Visit:</b>	Yes
<b>Departure Application:</b>	Yes
<b>Presenting Officer:</b>	Andrew Fillmore
<b>Application brought to Committee because:</b>	The application proposal raises considerations of wider than local interest.
<b>Date by which decision due:</b>	8 April 2016

## Executive Summary

1. This proposal seeks outline permission (access only for approval) for a residential development of up to 225 dwellings and up to 70 apartments with care outside the adopted village framework on a greenfield site. The development would not normally be considered acceptable in principle when set against current adopted policy as a result of its scale and location. However it is recognised 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 considered not up to date. The local planning authority must determine the appropriate weight to apply to relevant development plan policies. 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. Although Cottenham is considered a sustainable location which can accommodate the proposed level of development taking into account existing transport links and the level of local services within the village officers are of the view the application has failed to sufficiently demonstrate concerns relating to transport (including highway safety) can be adequately mitigated, and as such the benefits of providing additional residential dwellings, including 40% affordable units, does not outweigh the harm.
3. It is important to note that should the above concern be resolved the application would be supported at officer level, subject to conditions and a S106 Legal Agreement securing appropriate contributions.

## Planning History

4. None relevant.

## Policy

5. **National**  
National Planning Policy Framework  
Planning Practice Guidance
6. **South Cambridgeshire LDF Core Strategy DPD, 2007**  
ST/2 Housing Provision  
ST/5 Minor Rural Centre
7. **Adopted Local Development Framework, Development Control Policies**  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and new development  
HG/1 Housing Density  
HG/3 Affordable Housing  
SF/6 Public Art and New Development  
SF/10 Outdoor Playspace, Informal Open Space and New Developments  
SF/11 Open Space Standards  
NE/1 Energy Efficiency  
NE/3 Renewable Energy Technologies in New Development

NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/7 Sites of Geological Importance  
NE/9 Water and Drainage Infrastructure  
NE/10 Foul Drainage – Alternative Drainage Systems  
NE/11 Flood Risk  
NE/12 Water Conservation  
NE/14 Lighting Proposals  
NE/15 Noise Pollution  
NE/16 Emissions  
CH/2 Archaeological Sites  
CH/3 Listed Buildings  
CH/4 Development within the curtilage or setting of a Listed Building  
SF/10 – Outdoor Play Space, Informal Open Space and New Developments  
SF/11 – Open Space Standards  
TR/1 Planning for More Sustainable Travel  
TR/2 - Car and Cycle Parking Standards  
TR/3 Mitigating Travel Impact  
TR/4 Non-motorised Transport

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

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

**9. *South Cambridgeshire emerging 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/8 Rural Centres  
S/12 Phasing, Delivering and Monitoring  
CC/1 Mitigation and adoption to climate change  
CC/3 Renewable and low carbon energy in new developments  
CC/4 Sustainable design and construction  
CC/6 Construction methods  
CC/7 Water quality  
CC/8 S sustainable drainage systems  
CC/9 Managing flood risk  
HG/1 Design principles  
HG/2 Public art in new development  
NH/2 Protecting and enhancing landscape character  
NH/4 Biodiversity  
NH/6 Green infrastructure  
NH/11 Protected Village Amenity Areas  
NH/14 Heritage assets

H/7 Housing density  
H/8 Housing mix  
H/9 Affordable housing  
SC/8 Open space standards  
SC/11 Noise pollution  
SC/13 air quality  
T/I Parking provision

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

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

- Cottenham is a minor rural centre incapable of sustaining a development of this scale in the chosen location so the adverse impact of this development significantly outweigh the benefits.
- Grave misgivings about the design of the access onto Rampton Road. Vehicle ownership has been seriously underestimated given local patterns of vehicle ownership. The increased intensity of traffic and lack of adequate segregation between pedestrians, cycles and vehicles, especially at the access points, will significantly increase accident risks.
- Cottenham does need more affordable homes but not at the expense of an excessive number of market homes disconnected from the village environment
- Pre-school places – Cottenham already has an excess of demand and the proposal will increase that demand without doing anything about supply.
- Medical/day care facilities – will increase demand on already overburdened facilities.
- Leisure – current demand outstrips supply. Whilst the proposed development is located close to many of the outdoor facilities it's an unsustainable way from the core of the village.
- Easier movement in/out/around the village – the proposed development will increase rush hour traffic by 20% on already busy roads resulting in traffic flowing into junctions with problems already.
- Conservation/village core – the distance from the development to the village core will lead to an increase in traffic and parking therefore damaging the character of the village core.
- Noise/pollution – there is nothing to lessen the effects on existing residents.
- Primary school – any increase in capacity would need to be handled sensitively to limit damage the cohesive role the school plays in the village.
- Drainage – flood risk has not been taken into account
- Loss of agricultural land
- Sewerage – there are known problems of sewerage

### **11. Additional representation** (Appendix B) received from the Parish Council advising a community survey has been undertaken which identified:

- 45% of residents already have concerns over the volume of traffic and speeding in the village, with 84% of the view that development will bring more traffic and such traffic impact is sufficient to refuse the application.

- 63% of residents wish to see improvements in public transport links to Cambridge. Bus services run at 20 minute intervals and a shorter journey time to Cambridge was the single most (78%) cited incentive to use bus services more. This issue has not been addressed in the travel plan.
- 66% of residents were not in favour of large developments.
- 90% of respondents considered that preserving the character of the village and Conservation Area is important.
- 44% of respondents identified a need to increase pre-school provision.
- Increased pressure on medical facilities was identified as a significant problem by 75% of residents, with these facilities located an unsustainable distance from the development site.
- 57% saw the development of local employment as being important.
- Leisure facilities were seen as inadequate by 68% of residents in the survey, with the development located an unsustainable distance away from the core of the village.
- 62% of residents value having one primary school serving the village.
- Residents are of the view the current development proposal would make a negligible contribution that would be significantly outweighed by the adverse impacts of the proposal.
- Our assessment of the Transport Plan indicates that traffic generated will be significantly higher than that predicted due to the difficulty of replicating the particular characteristics of an affluent village adjacent a unique fast growing city, especially to its north and west. An added complication is the likely reversal of significant traffic flows on Oakington Road when its access to the A14 is closed in the planned development; a change which is likely to bring more traffic up Oakington Road adding to the congestion on Rampton and Histon Roads.

12. **Histon and Impington Parish Council** – The main concerns for Histon and Impington are the impact on school and health provision in Histon and Impington noting Cottenham is already over subscribed and increased traffic on B1049.

13. **Cottenham Design Group** – Objects on ground it will not be sustainable and conflicts with some of the guidelines in the Cottenham Village Design Statement. Community – the development offers no meaningful new facilities to support the enlarged community.

Economy – the development proposal offers little to extend employment opportunity in Cottenham.

Landscape and wildlife – the proposal will project significantly into the countryside out of character with the historic shape of the village. In addition, the open and exposed ridge-top means it has the potential to have a disproportionately adverse impact on views into and around the village.

Settlement – for a new development to be successful and sustainable it would need to be integrated into the existing community, with this site distant from local services which tend to be located in the core of the village.

Open space – whilst it is encouraging to see reasonable and open space and recreation facilities included we would expect them to be retained and augmented into any subsequent application.

Highways – Cottenham is a rural community not located near major roads and with public transport and cycle links with a high percentage of people travelling to work by car, with the highways very busy with narrow uneven roads and pavements. Developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. The location of the site is on the upper limit on what

would be acceptable for a fit person to access village amenities. The location away from the village core will generate much additional traffic both within and through the village with the bulk of traffic placing further stress on busy dangerous roads. Poor public transport facilities do not address these concerns.

South Cambridgeshire District Council

14. **SCDC Urban Design – Object.** It is not considered the current information submitted clearly demonstrates the number of units proposed can be accommodated successfully on this site. Though this is only an outline application, a scaled layout showing plot depths needs to be provided to demonstrate the 295 units (225 dwellings and 70 bed care facility) can be developed in this location that meet policy requirements and doesn't compromise the design quality and relationship to and setting of Cottenham village. From the information submitted suggests densities of 42 dph (including the apartments with care), given the edge of village location where you expect the densities to be reducing this could be too high for the site.
15. **SCDC Landscape –** The proposed development occupies an exposed and prominent site on the western edge of Cottenham, and would represent a sizeable extension to the village forming a new extended built skyline when approached from the north-west along Rampton Road. There will be inter-visibility to the new town proposed at Northstowe. The relative height of the development site will require an extensive and well-designed landscape scheme to integrate the development into the landscape.
16. **SCDC Historic Buildings –** The site is outside of Cottenham Conservation Area and the development of this site will have minimal impact on the character of the Conservation Area. There are few listed buildings in close proximity and the layout and design will need to consider views of the church spire (Grade 1 Listed).
17. **SCDC Ecology –** No objection, subject to appropriate mitigation.
18. **Environmental Health (Noise) –** No objection provided conditions are appended relating to construction noise, vibration and dust, and appropriate mitigation of existing traffic noise (suitable site layout for external noise and type of glazing and acoustic ventilation for internal noise) is undertaken.
19. **Environmental Health -** Recommend conditions requiring details of external lighting and waste recycling and waste management strategy.
20. **Environmental Health (Contamination) –** The site is at low risk in terms of potential contamination. Recommend a condition for further site investigation.
21. **Environmental Health (Air Quality) –** No objection. Recommend a condition requiring electric vehicle charging.
22. **SCDC Health –** The Health Impact Assessment as submitted has been assessed as Grade C, which fails to meet the required standards. Given the application is in outline form no further work is required at this stage. Recommend a condition requiring the subsequent reserved matters application be accompanied by a Health Impact Assessment.

Cambridgeshire County Council

23. **CCC Libraries and lifelong learning** – Request a contribution of £33,611.20.
24. **CCC Floods and Water** – Request a condition relating to details of surface water management.
25. **CCC Highways (Development Management)** – Recommend refusal on grounds of highway safety.
26. **CCC Highways (Transport Assessment)** – Holding objection. Further information relating to the access arrangements, pedestrian and cycle movements/infrastructure, public transport, parking standards, trip flows and traffic impact is required. The Transport Assessment should identify suitable measures to mitigate the impact of the development on the surrounding highway network for all modes not just motor vehicles. The proposed works to the existing road layout in Cottenham seem to be directed entirely at easing the movement of motor vehicles, there appears to have been little or no thought given to either pedestrians or cycles, both of whom sit higher in the user hierarchy.
27. **CCC Education** – (Early years and primary education) There is insufficient early years and primary education provision in the Cottenham area to accommodate the places being generated by this development and a contribution (£1, 001,700) is required to mitigate the impact arising from this scheme.
28. (Secondary Education Provision) This site lies within the catchment area for Cottenham Village College which has sufficient capacity to accommodate the places generated by this development.
29. **CCC Archaeology** – Recommend a relatively small portion (Area enclosed by blue line set out in appendix C) of the site is best preserved in situ owing to its significance and a condition requiring archaeological investigation is applied to the area enclosed by the red line. The excavation of small areas of larger sites limits understanding of the wider site and its overall significance, and is itself a destructive process that is best avoided where possible. In suggesting this option to preserve rather than to excavate we do not object to the development from proceeding as no significant archaeological evidence occurred across the majority of the site.

#### Other

30. **NHS Property Services** – The one branch GP practice and one branch surgery operating within the vicinity of the site do not have available capacity for additional growth resulting from this development. The development would generate approximately 767 residents and subsequently increase demand on existing constrained services. The development would give rise to a need for improvements to capacity by way of extension, refurbishment or reconfiguration or relocation of existing practices, the cost of which would need to be borne at least in part by the developer. Contributions are sought for £83 640 to provide a proportion of the required funding for the provision of increased capacity within the existing health care premises. Assuming the above is considered in conjunction with the current application process NHS England would not wish to raise an objection.

31. **Fire and Rescue Service** – Request that adequate provision be made for fire hydrants by way of condition or S106.
32. **Natural England** – No objection regarding statutory nature conservation sites.
33. **Police Architectural Liaison Officer** – In respect of crime prevention and fear of crime no objections are raised. Concerns are raised that given the major flow of traffic to and from the site is predominately from and to the south east the positioning of a secondary entrance causes concerns.
34. **Historic England** – The application should be determined in accordance with national and local policy guidance.
35. **Environment Agency** – No objection, subject to conditions relating to contamination including a site assessment, risk assessment, remediation strategy and verification report, and a scheme to control pollution of the ground water.
36. **Anglian Water** – (Waste Water Treatment) The foul drainage is in the catchment of Cambridge Water Recycling Centre which has available capacity. (Foul Sewerage Network) Request a condition covering the drainage strategy to ensure no unacceptable risk of flooding downstream. (Surface Water Disposal) The proposed methods of surface water disposal do not relate to Anglia Water operated assets.
37. **Old West Internal Drainage Board** – The site lies outside of the Old West Internal Drainage District, but is within an area that drains into it. The Boards Drainage system has no residual capacity to take direct surface water discharge. Any discharge rate should be limited to the Boards greenfield rate of 1.1 litres/sec/ha.
38. **Campaign for Rural England** – Object for the following reasons: a proposal of this size should come forward when the Local Plan is reviewed, great weight should be given to the emerging Local Plan, the application is located outside the village framework and insufficient infrastructure is provided.

### Representations

39. Fifty three letters of representation have been received opposing the development for the following reasons;
- loss of green areas around the village
  - adverse impact on the village centre
  - no need given development planned at Northstowe
  - access is dangerous
  - insufficient infrastructure in the village
  - will exacerbate already congested roads
  - primary school is already at capacity
  - development needs to be considered holistically in conjunction with other developments
  - insufficient parking is provided in the town centre
  - medical provision is inadequate
  - sewerage infrastructure does not have capacity
  - pedestrian access is not suitable
  - loss of view



- loss of agricultural land
- loss of valuable open space
- disproportionate increase in the size of the village

### **Planning Comments**

40. The application site comprises a large arable field which extends to circa 14ha and single detached residential dwelling (117 Rampton Road), located to the south-western edge of Cottenham. The topographic survey which accompanies the application indicates the centre of the site rises to 13.92m AOD falling in both a north-west and south-east direction. The site is bound to the east by ribbon development along Rampton Road, with further agricultural fields to the south.
41. The site is located outside the village framework and is not subject to any further planning designations.
42. The application proposal seeks outline permission (access only) with the matters of layout, scale, appearance and landscaping reserved for the construction of up to 225 residential dwellings and up to 70 apartments with care, demolition of no. 117 Rampton Road, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access points and associated works. 40% of the dwellings are to be affordable, on a 70/30 rented to shared ownership basis.
43. Consent is sought for two means of access off Rampton Road, with the primary access beyond the ribbon development and secondary access on land presently occupied by 117 Rampton Road.
44. A Screening Opinion (LPA Ref: S/1816/15/E1) has been undertaken which confirmed the development does not represent EIA development as defined by The Town and Country Planning (Environmental Impact Assessment) Regulations.
45. Two parcels of land to the south are subject to residential development proposals, with application S/1952/21/OL seeking consent for 50 dwellings along Oakington Road and a pre-application enquiry for circa 140 dwellings on land between. Collectively these proposals form a continuous band of development between Oakington and Rampton roads to the south-west edge of the village.

### **Principle of development**

46. 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.
47. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 3.9 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 2015). 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.

48. Further guidance as to which policies should be considered as 'restricting housing land supply' emerged from a recent Court of Appeal decision (Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes). The Court extended the definition of 'relevant policies for the supply of housing' from, '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,' 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 weight should attach to such relevant policies.
49. In the case of this application policies which must be considered as potentially influencing the supply of housing land include ST/2 and ST/5 of the adopted Core Strategy, adopted policies DP/7 and NE/17 (Development Control Policies) and S/7, S/8, and NH/3 of the draft Local Plan.
50. 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 for instance).
51. The site is located outside the Cottenham village framework and in the countryside where Policy DP/7 of the LDF and Policy S/7 of the emerging 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 proposed residential development would therefore not normally be acceptable. However as noted above under policy contained within the NPPF this policy is considered out of date due to the current lack of a 5 year housing land supply.
52. It falls to the Council as decision maker to assess the weight that should be given to the existing policy. The Council considers this assessment should have regard to whether the policy continues to perform a material planning objective and whether it is consistent with the policies of the NPPF.
53. Cottenham is identified as a Minor Rural Centre under Policy ST/5 of the LDF and Policy S/8 of the emerging Local Plan where there is a good range of services and facilities and residential developments of up to 30 dwellings are supported in policy terms. The erection of up to 225 dwellings would exceed the amount of residential dwellings normally allowed in such locations. However this must be balanced against the need for housing land and the fact that Cottenham is a sustainable location which is capable of accommodating this level of

additional housing. It is considered that due to the status of Cottenham as a Minor Rural Centre policies ST/5 and DP/7 do not outweigh the need for additional housing in this instance, which should be given significant weight. The scheme remains unacceptable in highway terms, however in all other respects the proposed scheme complies with adopted and emerging policy.

Is the site a sustainable location for up to 225 residential units and up to 70 bed apartments with care ?

54. Paragraph 9 of the NPPF advises that pursuing sustainable development involves seeking positive improvements to the quality of the built, natural and historic environment, as well as in peoples quality of life, including:

- Making it easier for jobs to be created in cities, towns and villages;
- Moving from a net loss of bio-diversity to achieving net gains in nature;
- Replacing poor design with better design;
- Improving conditions in which people live, work, travel and take leisure and;
- Widening the choice of high quality homes

55. The NPPF is clear in stating there are three dimensions to sustainable development: economic, social and environmental and that these roles should not be undertaken in isolation because they are mutually dependant and to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously.

**Economic**

56. Paragraph 19 of the NPPF advises the Government is committed to ensuring the planning system does everything it can to support sustainable economic growth, and significant weight should be placed on the need to support economic growth through the planning system.

57. The proposed development would give rise to a number of economic benefits. In the short term this would include the creation of jobs in the construction industry as well as the multiplier effect in the wider economy arising from increased activity. In the long term the provision of housing would help meet the needs of businesses in Cambridge (where there is a concentration of jobs) and surrounding villages. For these reasons the scheme would bring positive economic benefits thus complying with this dimension of sustainable development. This positive benefit again adds weight to allowing additional housing in this location to contribute towards the necessary five year housing land supply.

**Social**

Provision of new housing including affordable units

58. Chapter 6 of the NPPF relates to 'Delivering a wide choice of high quality homes' and seeks to '*boost significantly the supply of housing*' placing importance on widening the choice of high quality homes and ensuring sufficient housing (including affordable housing) is provided to meet the needs of present and future generations.

59. The development would provide a clear benefit in meeting the current shortfall in South Cambridgeshire through delivering up to 225 residential dwellings (less the single dwelling proposed to be demolished), 40% of which would be affordable at a 70/30 split between rent and intermediate housing.
60. In terms of mix adopted policy HG/2 (Housing Mix) advises that in developments of 10 dwellings or more a mix of units will be sought providing a range of accommodation, including 1 and 2 bedroom properties having regard to economic viability, the local context and need to secure a balanced community. The supporting text to this policy advises the Housing Needs survey 2002 identified a need for 89% of all new market housing to be one or two bed properties.
61. Emerging Local Plan policy H/8 (Housing Mix) proposes a different mix of at least 30% 1 or 2 bed, 30% 3 bed and 30% 4 or more bed, with 10% flexibility allowance to any one of the categories. The supporting text advises it is important to plan for a mix of housing based on the needs of different communities, and that the housing stock in South Cambridgeshire has traditionally been dominated by larger detached and semi-detached family houses.
62. The Office for National Statistics figures for the existing housing stock in Cottenham identifies 31% 1-2 bed properties, 36% 3 bed and 32% 4-5 bed, slightly balanced in favour of mid sized properties. Officers are of the view that taking into account the need to create inclusive and mixed communities at least 40% of the new dwellings, including 40% of market units, should be either 1 or 2 bed. This can be secured by condition.

#### Housing delivery

63. The applicant suggests, that subject to market conditions, all of the units will be delivered within 7-8 years (25 - 30 market dwellings per year) from date of outline consent, and they have a track record of achieving this.
64. Taking into account the sites greenfield nature and delivery rates of other similar, but slightly smaller, residential sites in the district (Former EDF Depot & Training Centre - outline permission granted for 89 dwellings in May 2012; SCA Packaging, Villa Road, Histon – outline permission granted for 72 dwellings September 2012; Land at junction of Long Drove & Beach Road, Cottenham – Full application for 47 dwellings granted 15 February 2015; Land south of Station Road, Gamlingay – 85 dwellings granted 27 June 2012) which were all fully or substantially built out in 5 years of obtaining outline consent, officers are of the view this is a realistic rate of delivery.
65. In order to encourage early delivery, it is reasonable to require the applicants to submit the last of the 'reserved matters' application within 2 years from the grant of outline consent, with work to commence within 12 months from such an application being approved, thereby allowing 2 years for the properties to be built and sold.
66. At the applicants maximum predicted delivery rate (42 market and affordable dwellings per year) of circa 84 units will be delivered in 2 years (5 years from date of granting outline consent). In balancing the benefits of the scheme against the harm, Members will need to consider that not all of the housing units are likely to be delivered within 5 years.

### 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'*.
68. Cottenham is a well served village with a primary and secondary school, fire station, two GP surgeries, library, post office, along with a number of convenience stores and a small supermarket which meet the 'day-to-day' needs of local residents. This level of provision is reflective of Cottenham's designation as a Minor Rural Service Centre, proposed to change to a Rural Centre in the emerging Local Plan.

### Primary Health Care

69. Residents living in Cottenham access primary health care services at either Cottenham Surgery or the Surgery on Telegraph Street, with NHS England advising neither of these surgeries have capacity to accommodate the additional demand (circa 767 residents). NHS England seek contributions of £83 640 to mitigate this impact, but do not identify a specific project to increase primary health care capacity in the village.
70. Further to discussions with both surgeries this contribution would be directed towards the deliverable solution of extending the Telegraph Street Surgery (the surgery have provided plans demonstrating how the building could be enlarged), which is a branch of the Firs House Surgery based in Histon.
71. Although not currently part of any published NHS strategy the primary objective for Cottenham is for a new health centre providing primary healthcare alongside acute healthcare services. At present time the location and full funding is yet to be identified and as such it is necessary for the Section 106 agreement to cover both projects. The applicant has confirmed they are willing to pay this contribution.
72. It is of note that as recent as 2013 NHS Property Services based at Capital Park Fulbourn were responding to planning applications on the basis of seeking contributions across Cambridgeshire of £845 per dwelling by way of a S106 contribution where new health infrastructure is required, higher than that sought under this application. When responding to planning applications during 2015 on at least one occasion a contribution equivalent to £638 per dwelling was sought as an alternative figure.
73. NHS consultation responses are now provided by the Estates Advisor based in Chelmsford. The methodology for calculating the primary healthcare contribution is on the basis of:
- (a) Establishing the population
  - (b) Establishing the area required by multiplying the population by the necessary area required (i.e. in order to accommodate 1750 patients a consulting room and ancillary services equivalent to 120m<sup>2</sup> is required)
  - (c) Establishing the contribution based on multiplying the area by £2,000 per m<sup>2</sup> being the capital cost of building and fitting out the consulting room etc.

### Libraries and lifelong learning

74. Cottenham is served by a level one library with an operational space of 128 sqm. The County Councils proposed solution to mitigating the impact on the libraries and lifelong learning service arising from this site would be to modify the internal area to create more library space and provide additional shelving and resources. In order to do this a developer contribution of £33,611.02 is sought which the developer has agreed to pay.

Village Hall

75. In 2009 the Council conducted an audit of the indoor community space within the District with a view to provide an evidence base to inform a Planning Obligations Supplementary Planning Document. Although the need for the SPD was superseded by the CIL Regulations, officers consider that it would, prior to the adoption of CIL, create an informal policy that would provide clarity for developers on the contributions likely to be sought towards the provision of or improvement to indoor community facilities in accordance with adopted policy DP/4.

76. The informal policy, which requires the provision of 111 square metres of indoor community space per 1,000 people, is based on the recommendations of an external audit and needs assessment. The audit also highlighted relevant costs such that the Council would calculate a capital and revenue contribution from new development.

Dwelling type	Contribution (per dwelling)
1 bed	£284.08
2 bed	£371.00
3 bed	£513.04
4+ bed	£703.84

77. In applying this to a policy compliant (albeit example) housing mix an offsite community space contribution of circa £115,000 would be payable.

78. Officers are seeking to secure a greater level of contribution (£225,000) equivalent to an increase of £110,000 against what the adopted policy would require.

79. The reason for this is the significant shortage of indoor community space in the village as recognised by the audit of 2009. Cottenham is served by the Cottenham Salvation Army Hall and Cottenham Village Hall but nevertheless against the adopted standard there is a recognised shortfall of 383 square metres of indoor community space. Cottenham Parish Council has advised they intend to construct a new village hall on land that is within their control estimated at a cost of £800,000 (based on constructing a similar sized building to the new football pavilion that the Parish Council recently built). The Parish Council are in the process of engaging with an architect and have drawn up a brief for the building design. This contribution (£225 000) is agreed to be paid by the developer.

Open Space

80. As part of the Local Plan evidence base the Council undertook a recreation and open study that was published in 2013. The results for Cottenham are set out

below and which demonstrate a significant shortfall of both sports space and play space against the adopted standards.

Type	Provision (ha)	Requirement	Surplus/Shortfall
Sport	4.66	9.92	-5.26
Play Space	0.26	4.96	-4.70
Informal Open Space	4.00	2.48	+1.52
Allotments	10.76	2.48	+8.28

81. As this proposal contains sufficient informal open space, no contributions will be sought under this element of the policy.

82. In terms of mitigating Children’s play provision the open space in new development SPD requires the provision of a local equipped area for play (LEAP) as well as a neighbourhood equipped area for play (NEAP) onsite at developments of 200 dwellings or more. The NEAP is to comprise one or more of:

- Traditional fixed equipment with safety surfacing aimed at the older age group such as aerial run ways and more challenging and adventurous equipment
- Ball Court or “informal” MUGA
- Wheeled sport facility or skate park

83. For developments under this threshold the policy requires the provision of a LEAP but with the NEAP element payable by way of offsite contribution.

84. Officers are of the view that the development should not necessarily be required to set aside land for the provision of a NEAP, but in lieu of this a payment towards offsite contributions which will be used by Cottenham Parish Council towards the provision of a MUGA at a cost of £75 000. This contribution has been agreed by the developer.

85. In addition adopted policy requires financial contributions towards offsite sports space. In accordance with the open space in new developments SPD the requisite contributions are as follows:

Dwelling Type	Contribution
1 bed	£625.73
2 bed	£817.17
3 bed	£1,130.04
4+ bed	£1,550.31

86. In applying this to a policy compliant (albeit example) housing mix an offsite sports contribution of circa £250,000 would be payable.

87. However, the total level of contribution being sought from the Rampton Road development is only £140,000 (i.e. £110,000 less) in recognition of the higher community facility contribution that is being sought.

88. The offsite sports contribution is to go towards funding 2 projects (i) the creation of a new sports clubhouse serving sports including rugby and (ii) the levelling

and draining of the existing sports pitches that are currently not fit for purpose. The applicant has agreed to pay this contribution (£140 000).

89. The on-site open space is to be taken on by a management company and as such contributions aren't necessary for this.

### Schools

90. The site is located within the catchment of Cottenham Primary School which operates as a 3FE school (3 classes per year group) for 630 children and which has recently expanded to replace temporary accommodation. County education officials advise there is no spare capacity to accommodate the demand forecast by this development for both primary education and early years provision. In terms of secondary education the site lies within the catchment for Cottenham Village College which has available capacity over the next five years to accommodate this scheme.
91. The county's proposed solution to mitigate the early years and primary education aged pupils is to build a new 1FE primary school facility with adjoining 1 class early years facility as an expansion to the existing school (as opposed to a new school), creating a 4FE primary school. This follows discussions with the school and takes into account views of the local community that two schools would not be an appropriate solution for this village.
92. The estimated cost of a 1FE expansion at the primary school is £4, 150 000, which when proportioned to this development gives rise to a contribution of £1, 001, 700 to mitigate the impact on both early years and primary school provision. This solution of expanding the primary school will also cater for the early years and primary education needs of other proposed developments should they gain the benefit of planning consent.
93. It should be noted that in respect of early years provision the applicant did express a view the £225 000 sum towards the village hall would meet this need. Whilst it is the aspiration of the Parish Council the new village hall would be used for early years the £225 00 sum secured from this development does not guarantee the delivery of this project (which is estimated to cost £800 000). Furthermore there is no agreement in place between the Parish Council and County Council that this facility will be used for this purpose and officers are of the view the £225 00 towards the village hall would not meet requirements in terms of early years provision.

### Transport

94. One of the core principles of the NPPF is to '*actively manage patterns of growth to make the fullest possible use of public transport*'. Chapter 4 relates to 'Promoting sustainable transport' and advises '*the transport system needs to be balanced in favour of sustainable transport modes*', and goes on to state '*different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas*'.  
In summary the NPPF seeks to promote sustainable transport solutions, whilst recognising the difficulty of achieving this in rural areas.
95. The application proposes to introduce two priority controlled junctions on Rampton Road to serve the residential development as follows:



- Access A: Located to the west of Ramphill Farm
- Access B: Located in land presently occupied by property 117 Rampton Road

96. Off site mitigation within the village includes changes to the Rampton/Oakington Road junction, introduction of a Toucon crossing (crossing for bicycles and pedestrians) on Rampton Road and alternations to various pedestrian routes (Set out in full on Appendix D).

#### *Junction of Rampton/Oakington Roads*

97. The local highways authority (Development Management team) oppose the application on grounds of highway safety, citing concerns over the design of the upgraded roundabout at the junction of Rampton/Oakington roads. The stage 1 safety audit undertaken identifies the following deficiencies at this upgraded junction:

- Existing traffic risk striking vehicles using Moreton Close
- Manoeuvring traffic risks collisions at junction
- Excessive circulatory width will result in poor directional compliance and a 4m overrun island will do little to avoid risking head-on strikes
- Excessive entry widths and circulatory widths will lead to shunts and side swipes as vehicles leave
- Private access (2 Oakington Road) directly onto roundabout will confuse users and risk vehicle and pedestrian strikes
- Private access (34 and 40 Rampton Road) directly onto roundabout will confuse users and risk vehicle and pedestrian strikes
- Service cover in circulatory carriageway presents skidding risk to right turning vehicles and furniture strikes
- Strike risk for crossing pedestrians and cyclists

#### *Wider Transport Network*

98. In respect of the impact of the development on the wider transport network county highways advise they have not been provided with sufficient information, including mitigation measures, to fully consider the impact of the development and as such offer a holding objection. Without appropriate consideration of the impact on the highway network including off-site transport improvements insufficient information has been provided to enable a thorough assessment to be made.

99. Dialogue is continuing with the applicant and members will be updated should further progress be made.

### **Environmental**

#### Landscape

100. The council's landscape officer advises the development occupies an exposed ridge and prominent site on the western edge of the village and represents a sizeable extension to the village. When viewed from the north-west along Rampton Road the proposal will form an extensive new skyline and there will be inter-visibility with the new town of Northstowe, and as such it is

necessary to require extensive and well-designed landscape to successfully integrate the development.

101. The application is in outline form, with all matters reserved except access however the application is supported by an indicative mitigation planting plan which proposes a hedgerow and community woodland to the northwest of the development area. The principle of such an approach to mitigating the landscape impact is supported by officers and is reflective of the landscaping to the opposite side of Rampton Road.
102. Whilst the development will adversely impact on the skyline of Cottenham when viewed from Rampton road, subject to appropriate landscaping, site layout and building height this impact is not likely to be significant.

#### Effect on the built environment and housing density

103. The Cottenham Village Design Statement describes Cottenham as:

*'The settlement is based on two distinct historical patterns. The 'Lanes' (TelegraphRooks-Corbett-Margett Streets), with an irregular pattern of short rectangular plots at the centre of the village, formed the original Saxon nucleus. This is the most densely settled, enclosed and informal area of the village.*

*Medieval linear expansion to the north and south formed the dog-leg High Street. Here the pattern is more open and regular, with long plots of up to 300m backing on to the open countryside. Farmhouses are concentrated within the village and line the street: there is little space at the front of plots, with access to hard standing and yards traditionally to the side and behind. Outbuildings run along the edge of plots, many of which follow the early farmstead boundaries.*

*These patterns have remained largely undisturbed, later settlement keeping to the line of the High Street in the form of extended ribbon development and continuing infill to the north and south. Gaps remain in the line of houses and these allow important glimpses out of the village, making a vital visual connection with the open countryside.'*

104. The proposed location of the development conflicts with the 'extended ribbon development' description which currently runs west along Rampton Road. Whilst ribbon development is a characteristic of the built form along some of the edges of the village (Rampton Road, Histon Road and Twenty Pence Road), it is not the only defining character. Infill residential development can be found to the edge of the settlement along Oakington and Beach Roads and as such the layout is not considered to harm the settlement pattern.
105. The Councils Urban Design officer opposes the scheme expressing reservation the number of units proposed can be accommodated whilst still meeting policy requirements in respect of overlooking and private amenity space standards. The application seeks consent for 'up to 225 units and up to 70 apartments with care', and therefore the number of units is not fixed at this stage. Officers have strong reservations this level of housing can be accommodated which are further questioned taking into account the need to hold land in open for archaeological reasons. However securing an appropriate layout (likely with fewer units) is a reserved matters consideration and would be assessed at this stage of the application process.

106. In respect of the house to be demolished, this building is of little architectural merit and its loss from the street scene does not result in material harm.

#### Ecology

107. The application site is not located near any statutory nature conservation sites and Natural England do not raise any concerns subject to the development being carried out in accordance with the details submitted. Similarly, the council's ecologist does not oppose the development subject to appropriate mitigation, including conditions relating to relating to owls and birds. In respect of badgers, an extensive badger set can be found to the southern corner with the provision of a community orchard in this location of benefit. A further condition requiring an additional survey for badgers prior to any development commencing, including details of mitigation and compensatory measures is necessary.

108. The Environment Agency request conditions relating to groundwater and contaminated land as well as the pollution control of the water environment including foul and surface water drainage arrangements.

#### Heritage assets

109. The site is not located in or adjacent a Conservation Area, with no Listed Buildings in the immediate vicinity. Historic England do not offer comment recommending the application be determined on the basis of the councils specialised conservation advice.

110. The council's conservation officer notes the Conservation Area is already surrounded by development, and subject to layout and design (reserved matters considerations) taking into account views of the church spire (Grade 1 Listed) no harm arises.

111. Some representations raise concerns over the impact of additional traffic on the Conservation Area. Officers are of the view any additional traffic traveling through the Conservation Area will not result in material harm to the Conservation Area given the existing traffic volumes.

112. In respect of archaeological interests, the application site lies 850m south-east of the schedule earthworks remains of early medieval settlement and later Anarchy period castle remains at Giant's Hill, Rampton. Associated with these is an unscheduled/non-designated area of related earthworks that bring the whole of the known medieval settlement evidence at Giants Hill down to the flood meadow. Above the flood meadow is Little North Fen on the south-east side of Reynolds Ditch, bisected by Smithy Fen Engine Drain. West of the Catchwater Drain lies an extensive double ditched cropmark complex with formal rectilinear enclosures and subdivisions. Not excavated, these remains are undated though morphologically they can be expected to contain several phases of occupation that pre-date, and possibly postdate the dominant formal rectangular series of interlinked enclosures.

113. Approximately 530m east of this cropmark complex lies the circa 4 hectare archaeological cropmark site that is partly contained within the development application boundary, and which is now proven to be more extensive within the application boundary extending to circa 6 hectares. These cropmarks follow a south-west to north-east trend of cropmark sites that mirror water course and

drainage baseline alignments and which extend north to larger scheduled complexes at Smithy Fen and Bullocks Haste on the southern river terraces of the River Great Ouse. The area is one of known archaeological significance, attesting to the long-term preference of settlement in this landscape.

114. The recent trench based evaluation results include finding mainly Iron Age enclosures, field boundaries, evidence for buildings with purported placed deposits in the perimeter ditch of one, watering holes and quarries, although Roman and Saxon settlement was also present. These remains expand previously known evidence from aerial photographs of the cropmark site at the south-east end of the application site. Finds assemblages suggest a well connected settlement with good trade links, a large quantity of animal bone and waterlogged environmental evidence in deep features. Further important evidence provided by the trenching was that the non-intrusive geophysical survey only revealed a proportion of the features (just over half) than those on the survey plot which might suggest that the greater part of the cropmark site outside the development area might only reflect a similar proportion of the actual remains sealed beneath plough and subsoil. These archaeological remains are non-designated heritage assets.
115. Paragraph 135 of the NPPF advises the effect of an application on the significance of non-designated heritage assets should be taken into account in determination of the application, and in weighing applications that affect directly on-designated heritage assets a balanced judgement is required having regard to the scale of any harm and the significance of the heritage asset.
116. 'Significance' for heritage policy is defined as the value of a heritage asset to this and future generations because of its heritage interest, with significance derived not only from a heritage assets physical presence, but also from its setting.
117. Officers are of the view that excluding a tract of land (as identified in blue on Appendix E) from development or planting is justified, with further areas (shaded red) subject to a programme of archaeological work. This is agreed by the applicant.

#### Surface and Foul Water Drainage

118. The County Flood and Water team advise the applicant has demonstrated that surface water can be dealt with on site by using an attenuation pond with a discharge rate no greater than the existing greenfield run off rate, but that further information is necessary in respect of ensuring the development meets the relevant water quality requirements in respect of SUDS treatment stages. This can be addressed through condition.
119. Old West Internal Drainage Board comment that although the site is located outside of the boards drainage district it is within an area that drains into it and there is no capacity to take direct surface water discharge. There will be no increase in runoff rate above the existing greenfield rate thus addressing this concern, subject to securing appropriate maintenance in the form of a S106 legal agreement.
120. Anglian Water note there is available capacity to cope with wastewater treatment but request a condition relating to foul water. The applicants dispute

the need for this condition and a further response from Anglian Water on this matter is awaited.

#### Noise and disturbance

121. The Council's environmental health officer advises that subject to conditions (hour of construction, construction noise and dust mitigation, noise mitigation measures for the properties) no objection is raised.
122. While the existing residents along Rampton road will experience an increase in noise from vehicular traffic, this impact is likely to be negligible to low and not give rise to material harm.
123. Conditions relating to hours of delivery of the care homes and extraction/filtration devices as recommended by Environmental Health officers are not considered necessary, given the lack of detail in respect of the proposal, and would be considered as part of any reserved matters application.
124. No adverse concerns are raised with regard to air quality subject to the appending of a condition requiring a Construction Traffic Management Plan.

#### **Cumulative development**

125. As noted in paragraph 45 this application along with two further proposals forms a band of development extending from Oakington Road to Rampton Road. Adopted policy DP/5 relates to cumulative development and advises development will not be permitted where it:
  - forms part of a larger site where there would be requirement for infrastructure provision as a whole
  - would result in piecemeal, unsatisfactory form of development
  - would prejudice development of another site adjacent or nearby
126. Collectively the three development proposals would not give rise to additional infrastructure, with this application not prejudicing other developments nearby.
127. In terms of 'an unacceptable form of development', the application is in outline form (access only) with matters of layout and landscaping reserved and it is considered possible (although not ideal) to design two schemes which are of a complementary layout. Conditions can be imposed, at outline stage, to ensure permeability (pedestrians/cyclists) across the site to prevent 3 cul-de-sac style developments emerging.
128. It is important to note there is no planning application at present of the adjoining land parcel, and no guarantee such an application would be supported should it be forthcoming.

#### **Conclusions**

129. 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:
  - ST/2: Housing provision
  - ST/5: Minor Rural Centres – indicative maximum scheme size of 30 dwellings
  - DP/1: Sustainable Development

DP/7: Village Frameworks  
HG/1: Housing density  
HG/2: Housing mix  
NE/6: Biodiversity  
NE/17: Protecting high quality agricultural land

130. 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. In determining planning applications for new housing development where the council does not have an up-to-date 5 year housing land supply, the balancing exercise is skewed in favour of granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

131. Paragraphs 6-9 of the NPPF indicate that 'sustainability' should not be interpreted narrowly and that the three dimensions (economic, environmental, social) of sustainability should be sought jointly and simultaneously. Officers are of the view the proposal would have a clear direct and indirect economic dimension, along with limited environmental harm (relationship to settlement) and offers the opportunity for social benefits arising through the delivery of new homes, including affordable houses, which contribute to the council's shortfall at a mix and tenure in conformance with the development plan, along with maintaining other services and facilities in Cottenham.

132. However this must be balanced against the fact that the application fails to provide satisfactory measures to mitigate the transport impact of the new development with the modified junction at Oakington/Rampton Roads resulting in a danger to highway safety. Officers are of the view this outweighs the benefits of the scheme as noted above.

### **Recommendation**

133. Refuse for the following reasons:

- The development will result in an unacceptable impact on the transport network and pose a danger to highway safety contrary to the requirements of adopted policy TR/3 Mitigating Travel Impact of the Development Control Policies DPD.

### **Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework

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

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

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Dear Andrew

**Comments re. application S/1818/15/O1 – land off Rampton Road, Cottenham**

Cottenham Parish Council strongly recommends refusal of the above proposal on the basis that Cottenham is a minor rural centre incapable of sustaining a development of this scale in the chosen location so the adverse impacts of this development significantly outweigh the benefits. *NPPF 14*. In particular, rather than 'improving' as per *NPPF 9*, it will have a significant negative effect.

We have grave misgivings about the suggested design of the access points onto Rampton Road, which is already a busy road feeding traffic to the rest of the village and beyond via busy roundabouts. We believe that vehicle ownership and use has been seriously underestimated given local patterns of vehicle ownership and use in a minor rural centre and the proposed travel plan will not mitigate this. The increased intensity of traffic and lack of adequate segregation between pedestrians, cycles and vehicles, especially at these access points, will significantly increase accident risk at these points.

**In addition:**

**Affordable housing:** In principle Cottenham does need more affordable homes but not at the expense of an excessive number of market homes disconnected from the village environment. Even the so-called affordable homes won't be affordable for village residents as we have seen from other local developments. Due to the proximity to the edge of the village the development fails to be sustainable (*DP/1b* – minimise the need to travel and reduce car dependency) and *NPPF 34, 35, 37 and 38*.

**Pre-school places:** the development fails to meet *NPPF 72*. Cottenham has a known excess of demand over places which will get worse with the change of rules from 2016 and the proposal will increase that demand without doing anything about the supply.

secondary access (117 Rampton Road) would probably bear the burden of traffic, requiring some form of priority control. The proposed access by 295 Rampton Road is on the crest of a hill and is also very close to the existing property, therefore greatly affecting their amenity. Visibility turning right from this access is greatly impaired.

The Gladman travel plan is flawed and it is not appropriate in a rural location. We lack confidence in the plan to decrease the number of traffic movements. Contrary to **NPPF 32, 34, 35, 37, 38 and 39.**

**Conservation/village core:** **NPPF 131, 132, 134 and 138.** The distance of the development from the village core will lead to an increase in traffic and parking, therefore damaging the character of the village core and the views approaching the village from Oakington or Rampton. Also contrary to **Cottenham Village Design Statement and DP/1p, DP2/a and DP/3.2.** The development is incongruous to the built development of Cottenham – a developed core with only linear development on arterial roads. Contrary to **NPPF 17** and the **Cottenham Village Design Statement.**

**Noise/pollution:** Contrary to **NPPF 110, 123 and 58.** Although Gladman have made efforts to lessen the acknowledged traffic noise on the design of the new build there is nothing to lessen effects on existing residents on Rampton Road or indeed the rest of the village.

**Overloading of Primary School:** Contrary to **NPPF 72.** The new extension was built to cope with the current capacity. Any increase in capacity would need to be handled sensitively to limit damage to the cohesive role that the school plays in the village.

**Drainage:** **NPPF 102.** They have not taken into account the flood risk. Cottenham is a fen edge village and within the village is the Cottenham Lode, the main route from which surface water is taken from a large area (including Bar Hill, Oakington and, under some circumstances Northstowe) via the Catchwater Drain out to the Wash. We are particularly concerned about anything that adds water flow to the route and have serious concerns about the surface water management scheme to counter any potential flood risk.





21<sup>st</sup> March 2016

Andrew Fillmore  
South Cambridgeshire District Council  
South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridgeshire  
CB23 6EA

Dear Andrew

**Gladman planning application (S/1818/15/OL) – further comments from CPC**

Further to our letter of 04<sup>th</sup> September 2015 Cottenham Parish Council has undertaken a community survey as part of the Neighbourhood Plan process. This questionnaire-based survey was completed by over 20% of the residents of the village aged over 16. The advice we have from the market research company employed to assist us in this work is that the results are sufficiently robust statistically to represent the views of the entire village population. Some of the emerging findings are relevant to this planning application and reinforce some of our earlier comments. They are detailed below:

1. The survey indicated that 45% of residents already have concerns about the volume of traffic and speeding in the village. 84% of respondents feel that development will bring more traffic and as such the additional traffic generated is sufficient in itself to refuse DP/3 2k.
2. 63% of residents wanted to see improvements in public transport links to Cambridge with only 11% currently using the bus 4 or more times a week. Bus services run at 20 minute intervals and a shorter journey time to Cambridge was the single most-cited (78%) incentive to use bus services more. This issue is not sufficiently addressed by the Travel Plan.
3. The survey indicated that 66% of residents were not in favour of large developments and, as we have commented previously, built on the periphery of the village environment. As such the development fails to be sustainable (DP/1 1 b – minimise the need to travel and reduce car dependency) and NPPF 34, 35, 37 and 38.
4. 90% of respondents considered that preserving the character of the village and Conservation Area is important. This very real perception of residents and the need for protection is supported by NPPF 131, 132, 134 and 138.
5. In the survey the need to increase pre-school provision was identified by 44% of respondents. The development fails to meet NPPF 72.

6. Increased pressure on Medical facilities was identified as a significant problem by 75% of residents. Also as previously commented these facilities are currently located an unsustainable distance from the development site. The development fails to meet DP/1 1 m and DP/3 1f
7. The survey identified that 57% saw the development of local employment as being important. The development fails to meet NPPF 17 and 19. Without local provision it will increase local commuter traffic. (DP/1 1b – minimise the need to travel and reduce car dependency).
8. Leisure facilities were seen as inadequate by 68% of residents in the survey. The proposed development is located an unsustainable distance away from the core of the village. The development fails to meet DP/1 1 m and DP/3 1f. There is no meaningfully sustainable way for residents from established areas of the village to use any facilities onsite due to its remoteness. NPPF 59
9. A clear view (62%) from the survey is the value of having one primary school serving the whole village. Alterations to this structure are perceived as having a detrimental effect and overloading of a Primary School is contrary to NPPF 72. The recently-completed extension was only built to cope with the current capacity of 630; already one of the largest in Cambridgeshire. Any increase in capacity would need to be handled sensitively to limit damage to the cohesive role the school plays in the village. DP/1 1m, DP/4 2 15.
10. Residents were also asked to consider that if development did take place what benefits could arise. Of the benefits that residents listed, the current development proposal would make a negligible contribution that would be significantly outweighed by the adverse impacts of the proposals. Indeed the 2030 vision that residents have for the village is that it should be an attractive village (59%) accessible(57%), improved access around and out of the village, rural and not suburban (95%). The development would have a detrimental impact in village amenity in this regard. In the survey, most residents (68%) are concerned about the potential loss of the village's character as a result of development.

In addition, our assessment of the Transport Plan indicates that traffic generated will be significantly higher than can be predicted from a TRICS analysis due to the difficulty of replicating the particular characteristics of an affluent village adjacent to a unique fast-growing city like Cambridge, especially its north and west. Many of these jobs are in high technology and related services requiring long hours by a committed, work-force which cannot be supported by slow bus services. The development is likely to create severe traffic issues and is therefore contrary to DP/3 2k.

An added complication is the likely reversal of significant traffic flows on Oakington Road when its access to the A14 is closed in the planned development; a change which is likely to bring more traffic NW up Oakington Road, adding to the congestion on Rampton and Histon Roads.

I have attached a copy of the full findings of the Neighbourhood Plan for your information.

Regards

Jo Brook  
Clerk

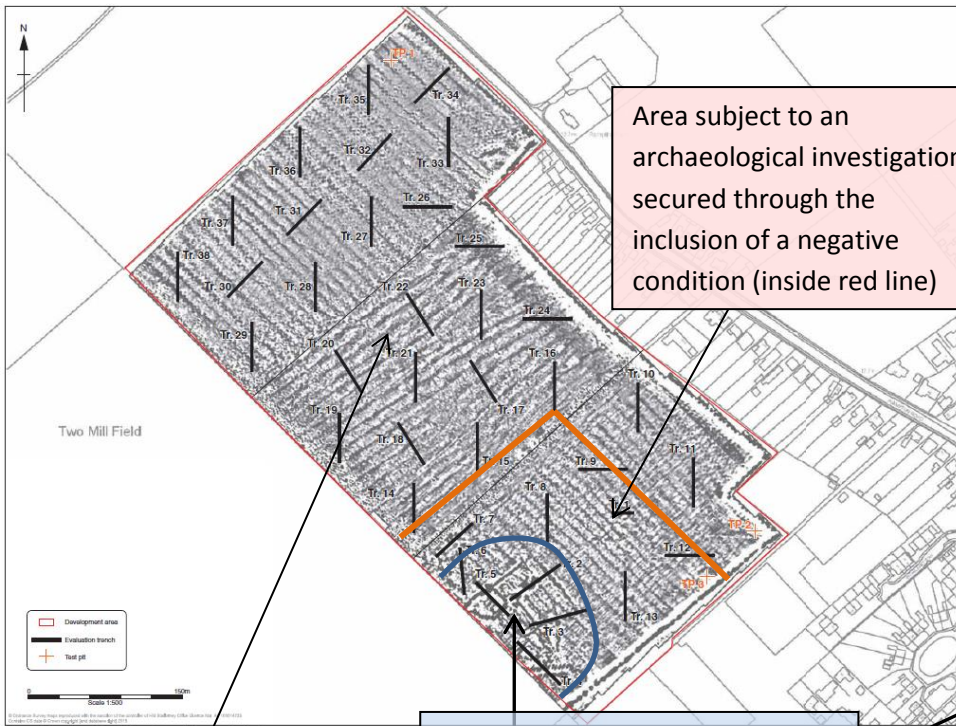


Figure 4: Trench and Test Pit layout overlaying geophysical survey

Area subject to an archaeological investigation secured through the inclusion of a negative condition (inside red line)

Minimum area of preservation in situ (inside indicative blue line)

Recommend that no further archaeological work is necessary in this wider area

Rest of archaeological site area - conjectured (inside indicative dashed blue line)

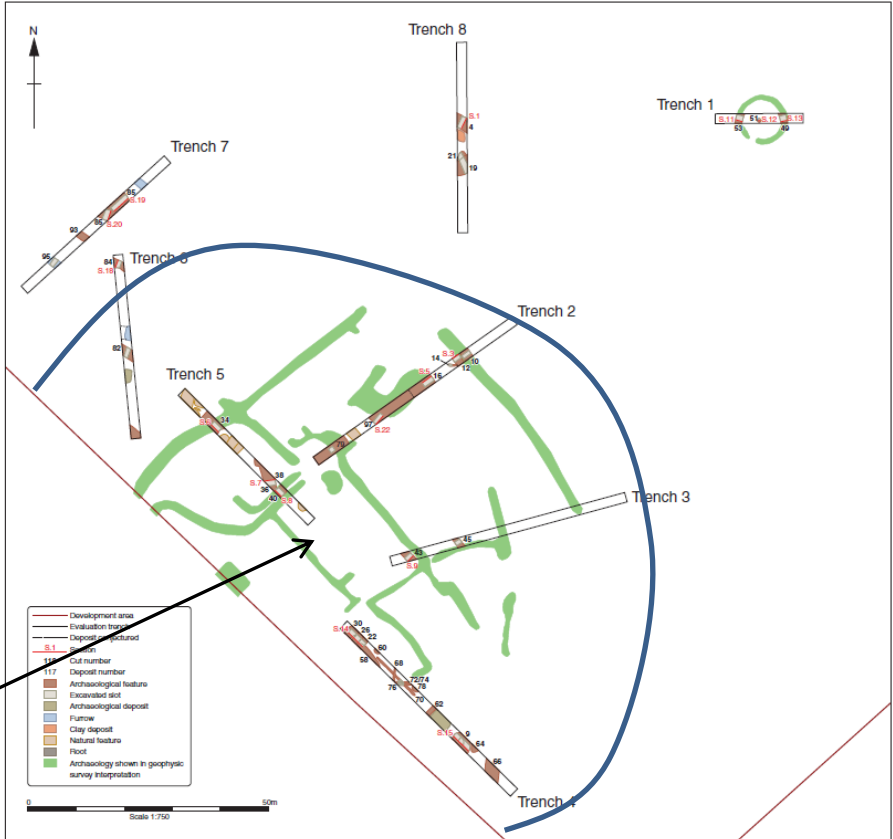
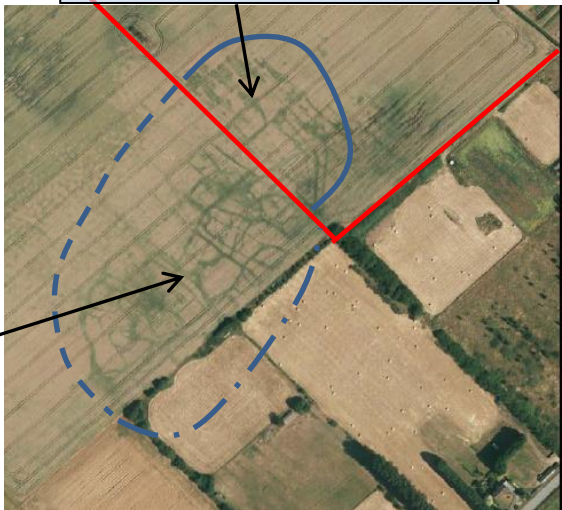


Figure 6: All features plan overlaying the geophysical survey interpretation (Tanner 2015)

Minimum area of preservation in situ

S/1818/OL

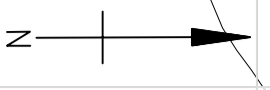
Land off Rampton Road, Cottenham

Proposed archaeological protection area

CCC HET 26/01/16

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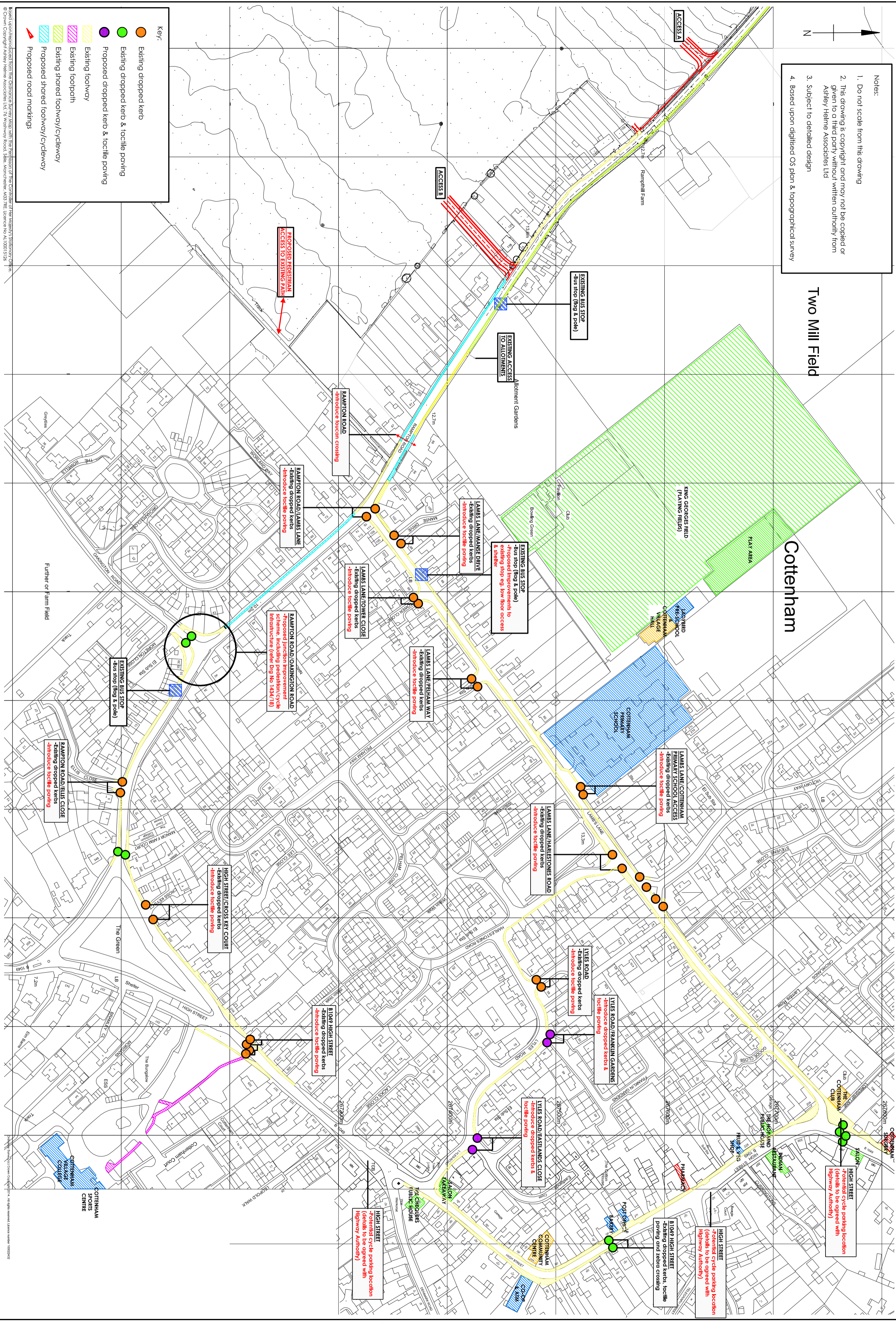




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Two Mill Field

Cottenham



Key:

- Existing dropped kerb
- Existing dropped kerb & tactile paving
- Proposed dropped kerb & tactile paving
- Existing footway
- Existing footpath
- Existing shared footway/cycleway
- Existing shared footway/cycleway
- Proposed shared footway/cycleway
- Proposed road markings

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Client  
GLADMAN DEVELOPMENTS

Project  
LAND OFF RAMPTON ROAD, COTTENHAM

Title

PROPOSED PEDESTRIAN/CYCLE ACCESS STRATEGY

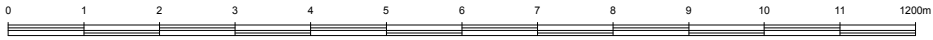
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e: info@ashleyhelme.co.uk t: 0161 972 0552 f: 0161 972 0553

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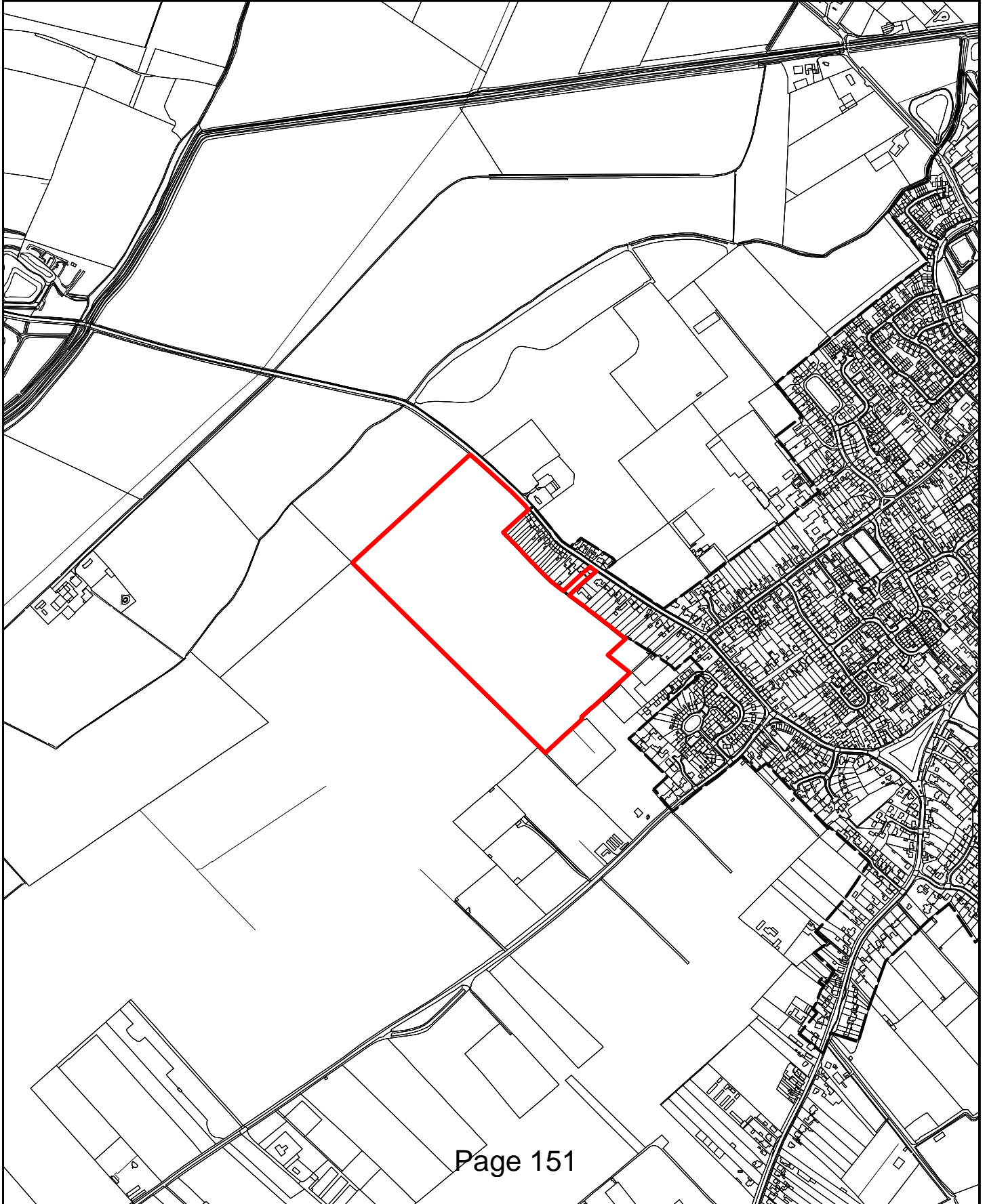
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Cambridgeshire  
District Council**

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# Agenda Item 8

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

11 May 2016

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

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**Application Number:** S/1969/15/OL

**Parish(es):** Linton

**Proposal:** Residential Development of up to 50 Houses and 28 Allotments

**Site address:** Land South of Horseheath Road, Linton

**Applicant(s):** Ely Diocesan Board of Finance

**Recommendation:** Refusal

**Key material considerations:** Housing Land Supply  
Principle of Development  
Character and Appearance of the Area  
Density  
Housing Mix  
Affordable Housing  
Developer Contributions  
Design Considerations  
Trees and Landscaping  
Biodiversity  
Highway Safety and Sustainable Travel  
Flood Risk  
Neighbour Amenity  
Heritage Assets

**Committee Site Visit:** 5 April 2016

**Departure Application:** Yes

**Presenting Officer:** Karen Pell-Coggins, Principal Planning Officer

**Application brought to Committee because:** A Local Member is one of the applicants.

**Date by which decision due:** 2 November 2015

### Executive Summary

1. This proposal, as amended, seeks permission for a residential development outside the Linton village framework and in the countryside. This development would not normally be considered acceptable in principle as a result of its location. However, two recent appeal decisions in Waterbeach have shown that the district does not currently

have a 5 year housing land supply and therefore the adopted Core Strategy and Development Control policies in relation to the supply and restriction of housing are not up to date. The Local Planning Authority must determine the appropriate weight to apply to relevant development plan policies. The NPPF states that 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. The scale of the development proposed by this application (up to 50 dwellings) in relation to the adopted settlement hierarchy exceeds that supported by Policy ST/5 of the LDF (Maximum 30 dwellings); however this policy is out of date, given the lack of a 5-year land supply. Taking account of the range and scale of services and facilities available in Linton, including convenient accessibility to public transport, it is considered that the scale of development proposed by this application is acceptable in terms of a locational sustainability perspective.
3. The application has been submitted in outline with all matters reserved, including layout. However, the submission expressly seeks formal consent for 50 dwellings. An indicative layout has been provided to show one way in which this could be accommodated. The application site comprises a sensitive edge of settlement location within undulating landscape topography. Given the landscape and visual amenity characteristics and context of the site the Local Planning Authority does not consider that the applicant has satisfactorily demonstrated that a development of 50 dwellings can be accommodated on the site without causing harm to the landscape and visual amenities of the area. It is considered that a comprehensive scheme of structured landscape planting, combined with a design-led approach to the development of this site is essential, and this would be highly likely to encroach into the developable area of the site and compromise the ability to accommodate 50 dwellings. The Local Planning Authority therefore considers that a development of 50 dwellings would be likely to exert a harmful effect on the landscape and visual amenities of the area, contrary to Policies DP/1, DP/2, DP/3 and NE/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, 2007.
4. The application site is located in a highly sensitive archaeological landscape, with several recent significant archaeological finds in the local area and the potential for additional significant archaeological finds on-site. The development proposals therefore have the potential to adversely impact on significant features of archaeological interest. The County Historic Environment Team strongly advises that appropriate site survey work is undertaken (in the form of trench-based field evaluation) prior to determination of the application. In the absence of satisfactory on-site evaluation the Local Planning Authority is unable to reach a judgement as to the likely impact of the proposals upon features of archaeological interest and whether there would be harmful effects on heritage assets. The proposals are therefore considered to be contrary to Policy CH/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states archaeological sites will be protected in accordance with national policy and paragraph 135 of the National Planning Policy Framework.
5. Notwithstanding the potentially valuable contribution that this application could make, in terms of helping to meet the current shortfall in housing land supply, the provision of 20 affordable dwellings, 28 allotments for the local community, a location with good transport links and a range of services, and the creation of jobs during the construction period that would benefit the local economy, it is considered that in this case, the presumption in favour of sustainable development should not weigh in



favour of this development, having regard to the landscape and visual amenity and archaeological heritage asset concerns set out above and elsewhere within this report.

### **Planning History**

6. None.

### **National Guidance**

7. National Planning Policy Framework  
Planning Practice Guidance

### **Development Plan Policies**

8. **South Cambridgeshire Local Development Framework Core Strategy DPD 2007**  
ST/2 Housing Provision  
ST/5 Minor Rural Centres
9. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
DP/7 Development Frameworks  
HG/1 Housing Density  
HG/2 Housing Mix  
HG/3 Affordable Housing  
NE/1 Energy Efficiency  
NE/3 Renewable Energy Technologies in New Development  
NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/11 Flood Risk  
NE/12 Water Conservation  
NE/14 Lighting Proposals  
NE/15 Noise Pollution  
NE/17 Protecting High Quality Agricultural Land  
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  
Biodiversity SPD - Adopted July 2009  
Trees & Development Sites SPD - Adopted January 2009  
Landscape in New Developments SPD - Adopted March 2010  
Affordable Housing SPD - Adopted March 2010  
District Design Guide SPD - Adopted March 2010
11. **South Cambridgeshire Local Plan Submission - March 2014**  
S/3 Presumption in Favour of Sustainable Development

S/4 Cambridge Green Belt  
 S/5 Provision of New Jobs and Homes  
 S/6 The Development Strategy to 2031  
 S/7 Development Frameworks  
 S/9 Minor Rural Centres  
 SS/5 Waterbeach New Town  
 HQ/1 Design Principles  
 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  
 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/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. **Linton Parish Council** – Recommends refusal. Comments relate to matters including lack of community consultation, outside the village framework, provision of allotments, unsustainable location, traffic, landscape and visual impact, social cohesion, flood risk and archaeology. Full comments are set out in Appendix 1.
13. **Urban Design Officer** – Comments as amended that the revised layout has addressed the concerns about the outlook of the 8 units adjacent to the allotments by turning the units to face each other. However, this has the disadvantage of removing any opportunities for natural surveillance across the parking area.
14. A Local Area of Play has now been added to the development. This is central and adjacent to the main route to the site but could be better laid out to promote more natural surveillance and to address the open space more positively.
15. The back-to-back distances between the new housing and existing neighbouring houses and houses east of the new access road do not appear to meet the separation distances set out in the Design Guide which suggests that this number of units may not be able to be accommodated on the site.
16. The cul-de-sac development is not permeable and any opportunities to establish new connections to neighbouring streets should be pursued.
17. **Landscape Design Officer** – Comments as amended that the character on this edge of Linton comprises of an open and gently rolling landscape with long views available both over lower land and to hills featuring wooded tops. Set above the Granta valley,

the village sits between the two. The eastern built edge, adjacent to the proposed site is made up of recent detached and semi-detached bungalows and houses at Lonsdale, Harefield Rise and Kenwood Gardens, forming a harsh edge to the village. However, the development site represents a potential opportunity to improve the eastern edge in this location if handled sensitively.

18. Whilst I am not content with the landscape structure and layout shown on the revised indicative masterplan, the site does have the potential to accommodate up to 50 dwellings. Hence, the proposal is accepted in landscape terms. However, to achieve the strong landscape structure required and as described in the LVIA, it would be necessary at the Reserved Matters stage to either adjust/amend the layout, the numbers or the type of some dwellings proposed.
19. Should the development be built as the illustrative layout suggests, it has the potential to cause unacceptable landscape and visual effects. The indicative layout proposed shows a more extensive and intrusive edge than presently formed by the dwellings at Lonsdale and the adjacent bungalows at Harefield Rise, Kenwood Gardens and The Ridgeway.
20. To achieve a strong rural edge and appropriate tree planting across the site, more space for planting will be needed. I suggest that a minimum of a 5 metre strip of Landscape will be required to allow a substantial native hedge, space for trees to achieve a reasonable spread without affecting the proposed dwellings or the existing power lines, and space for maintenance access. This planting should be set within communal or public space rather than within rear gardens to ensure that the planting is managed as a whole, and will continue to receive maintenance and protection after the standard condition for a five-year maintenance period has elapsed.
21. **Ecology Officer** – Comments that the application is supported by an ecological assessment that has not identified any significant constraints to the development of an area of arable land enclosed by species poor hedgerows and grass margins. Of note from the assessment is a habitat suitable for reptiles associated with field margins such as the common lizard. Requests a reptile survey and mitigation measures if any are present on the site. Also should trees with the potential for bat roosts be removed or badger setts identified, there should be bat and badger surveys with mitigation measures.
22. The Landscape Plan identifies new planting and allotments that will bring biodiversity gain. However, consideration should be given to a wildflower buffer adjacent the hedges to avoid future lowering of hedges and trees due to shading. The landscape buffer along the boundary should be over 5 metres wide to deliver a greater variety of trees and shrubs. Questions whether the open plot in the south eastern corner could be planted as a community orchard. Requests conditions to control the removal of vegetation during the bird breeding season and ecological enhancement measures in accordance with the recommendations in the submitted report.
23. **Local Highways Authority** – Has no objections subject to conditions in relation to vehicular visibility splays and a traffic management plan. Requests a separate plan to show the visibility splays.
24. **Cambridgeshire County Council Transport Assessment Team** – Has no objections subject to widening of the footway on the south side of Horseheath Road in the vicinity of Lonsdale between its termination point opposite Wheatsheaf Way and the site boundary to 2m in width; the installation of dropped crossings with tactile paving at the crossing over Horseheath Road near to Wheatsheaf Way; the

installation of dropped crossings with tactile paving at the crossings over Lonsdale, Wheatsheaf Way, Keene Fields and the Library access road; the installation of 10 cycle parking Sheffield stands at locations to be agreed with CCC and Linton Parish Council; and a condition for a full travel plan. Requests that should this application and application reference S/1963/15/OL be approved, a contribution would be required towards an improvement of the junction with the A1307 and Linton Village College as a result of the cumulative impact of the developments. Also requires a parking/ traffic study for the High Street to identify ways to reduce delays to buses and contributions towards such measures.

25. **Cambridgeshire County Council Historic Environment Team** – Comments as amended that the planning agents have been aware of the need for pre-determination evaluation of this land parcel since 2012, owing to the presence of Saxon cemetery evidence immediately south of the proposal area and other archaeological activity in the vicinity of the site.
26. The recent submission of geophysical survey evidence for this plot presents new information for a field within which no archaeological evidence was previously known, though suspected to be present. The survey has yielded important new evidence of a ring ditch of what can easily be attributed to a barrow, or burial monument in the south-east corner of the site, 100m north of the Saxon cemetery. These monuments are typically, though not exclusively, Bronze Age in date and contain inhumations and/or cremation burials usually within the enclosed space, and sometimes within their ditches. They are occasionally used as boundary markers or moots in later periods (typically in the Saxon period).
27. Further to this are a number of linear features, some of which have been described as relating to cultivation remains (eg ridge and furrow of Medieval and later date), and ephemeral linears, not easily attributable to any specific function, but supposed to be field drains and boundaries that conform to trends showing on an Enclosure map of 1838. Other traces of linear and discrete features are present but have not been discussed and remain untested.
28. Both CgMs Consulting, the applicant's archaeological consultant, and the geophysical specialist, Headland Archaeology, have concluded that this survey data represents the sum total of archaeological presence in the plot. To aid this interpretation, CgMs cite recent work at Bartlow Road (S/1963/15, Historic Environment Record ref ECB4331), where geophysical survey data had also asserted that the sum total of archaeological evidence at that site in Linton surmounted to a few linear ditches. Evaluation evidence amended and augmented this understanding in revealing the presence of at least one early Saxon house ('sunken floored building') and associated features in the north west corner of that development area (to the south of Bartlow Rd) as well as a series of undated features located on the edge of relict channels and ponds in the floodplain of the River Granta at the southern end of the site, though this went unreported in the agent letter of 15 December 2015 and other submissions.
29. It is disappointing to be presented once again with assertions that geophysical survey evidence is an accurate and true depiction of all the archaeological remains of an area, when there are so many cases that simply deny this as fact. For example, detailed geophysical surveys that have been undertaken across the landscape of the new settlement area of Northstowe in the north western area of South Cambridgeshire demonstrate this clearly as factually incorrect.
30. This is not to say that the geophysics data does not provide a certain level of archaeological understanding, indeed this office holds much store by this non-

intrusive technique - but we advise that it is used as part of a suite of evaluation techniques that together provide the evidence required on which to base a sound planning decision. Excavations of part of the Phase 1 development area concluded at Northstowe in late autumn 2015, finding extensive Middle Bronze Age field systems (large ditched rectangular or square enclosures) and occupation evidence, Iron age and Roman settlement evidence and cemetery, and discrete areas of Saxon settlement, including a cemetery area of small barrows and flat graves. The Middle Bronze Age evidence, together with the Roman cemetery and all of the Saxon archaeology did not show in geophysical survey data at all - only late prehistoric and Roman settlement features, Medieval ridge and furrow and more recent field boundaries and drains.

31. In other words, robust linear features of the Iron Age and Roman settlement were evident (i.e. with 'dirty' humic fills with artefacts and charcoal present) on the survey plots but none of the discrete and ephemeral features that constitute settlement and funerary evidence (shallow cuts, usually non-humic), and interestingly not the huge, long-distance triple ditches of a Late Bronze Age/Early Iron Age boundary division ("territory marker"?).
32. It is unlikely that planning inspectors, when reading appellants' cases for commuting archaeological pre-determination recommendations, are aware of the scale, extent and significance of archaeological evidence found by post consent trench based evaluation and are unfamiliar with the viability tests then put in place by developers when needing to include hitherto unplanned archaeological investigation programmes and publications within their already constrained financial forecasts. It is not helpful, then, that CgMs Consulting and the applicant have presented results for planning cases for which archaeological programmes have been moved to being undertaken post-consent by a planning appeal, without also indicating what was later found on those sites and how this affected the financing and timetabling of the scheme.
33. This stance is neither helpful to applicant, developer or planning committees. Neither does it help this office in advising the LPA as to the best course for the management of the archaeological resource through the planning process. We are presently far away from understanding the character, complexity and significance of the new ring ditch/barrow and its broader landscape, let alone what the more ephemeral evidence on the geophysical survey actually represents and what more evidence the site may hold that would not be evident on a non-intrusive survey plot.
34. Lastly, and importantly, the suggested strategy of placing allotments over a burial site, surcharged or otherwise, is wholly inappropriate as this would not safeguard against future impacts, damage and destruction of human remains and funerary evidence. Allotments holders usually wish to have mains water supplies to their rented or owned holdings, and/or may 'double dig' as a horticultural device should soil improvement be needed. Where human remains can be expected on an archaeological site, as they would be within a barrow, they are to be treated with appropriate respect, an exhumation licence being obtained and the area worked by professional excavators to lift, study and store or rebury any such remains as of if they are encountered. This is unlikely to occur in an allotment which would probably see a rotation of part-time/rented land holders without an appropriate signed legal document outlining for this to occur. Ignorance of the presence of human remains would not be a realistic excuse.
35. Given the potential for:
  - \* Saxon settlement and/or further funerary evidence to be located in this plot;
  - \* the new barrow/funerary monument

- \* the lack of evidence regarding soil depths over archaeological remains
- \* the unknown condition, character and significance of the monument
- \* unknown archaeological character of the rest of the site

it is advised that the results of a trench-based field evaluation should be presented prior to a planning decision being reached so that unassailable evidence is used to provide the basis for both a planning determination and the design of an appropriate archaeological mitigation strategy.

36. **Cambridgeshire County Council Flood & Water Team** – Comments as amended that the applicant has now demonstrated that surface water can be dealt with on site by infiltration into the ground or discharge into the River Granta at a run off rate not greater than the existing by using SUDS features such as permeable paving, infiltration trenches and soakaways. The applicant has there met the minimum requirements of the NPPF and no objections are raised subject to a condition to agree a detailed surface water drainage scheme that includes a restriction run-off, infiltration testing and maintenance of the drainage scheme.
37. **Environment Agency** – Has no objections as amended subject to a condition in relation to a scheme for surface water disposal. Comments that although the site lies above a principal aquifer within source protection zone 2, the proposal is not considered to be high risk in relation to contamination. Requests informatives.
38. **Anglian Water** – Comments that the sewerage system at present has available capacity for foul drainage flows from the development. Further comments that the drainage of surface water to the public water system is not acceptable as it is the last option after firstly infiltration on site and secondly discharges to a watercourse. Requires a surface water drainage scheme condition to ensure the development would not result in an increase in the risk of flooding.
39. **Environmental Health Officer** – Has no objections subject to conditions in relation to the hours of construction works and construction related deliveries to and from the site, a programme of measures to minimise the spread of dust, external lighting and a waste management strategy.
40. **Contaminated Land Officer** – Comments that the site is being redeveloped into a sensitive end use (housing) and although the site does not appear to be high risk in terms of contamination, it is a large site and potential sources of contamination on agricultural land do exist. Requests a Phase 1 Study to determine whether the site is suitable for its proposed end use. This should include soil sampling in proposed garden areas. Requires a condition for the detailed investigation of contamination and remedial measures for the removal of any contamination found.
41. **Air Quality Officer** – Has no objections providing the source of energy to the site is not by biomass boiler.
42. **Environmental Health Officer** – Comments that the identification and assessment of the health impacts of the development are satisfactory in the revised Health Impact Assessment.
43. **Affordable Housing Officer** – Comments that the site is located outside the development framework, and should be treated as an exception site and developed for 100% affordable housing to meet the local housing need of Linton, in accordance with Policy H/10 of the Local Plan. However, if this site is not treated as an exception site, then 40% affordable housing should be provided as part of this development in accordance with policy H/9. Therefore, for this proposal of 50 dwellings, (up to) 20

affordable properties should be provided.

44. Our district wide policy for tenure split is 70/30 in favour of rented and not 50/50 as proposed by the developer. There are currently 1,600 applicants registered on the Homelink housing register in South Cambs who require good quality affordable housing, 65 of these applicants have a local connection to Linton. The highest demand both in Linton and across South Cambridgeshire is for 1 and 2 bedroom accommodation. Therefore, our preferred mix is:

Rented	Intermediate/Shared Ownership
5 x 1 beds	3 x 2 beds
6 x 2 beds	3 x 3 beds
3 x 3 beds	

45. **Section 106 Officer** – Comments as amended that a Local Equipped Area of Play has been provided on site to address the need for children’s play space and informal open space. Off-site contributions are required towards outdoor sports and indoor community space projects as identified by Linton Parish Council.
46. **Cambridgeshire County Council Growth Team** – Comments that there are sufficient early years, primary and secondary education places available to accommodate the development. Requires a libraries and life long learning contribution towards the reorganisation of the layout of Linton library to enable extra shelving and resources to serve the additional residents. Requires a strategic waste contribution towards an expansion in the capacity of the Thriplow Household Recycling Centre if 5 contributions have not been pooled.
47. **NHS England** – Comments that there is currently GP capacity in the Linton locality and is not requesting any contributions towards health.

### Representations

48. **90 letters of objection have been received from local residents** in relation to the application. They raise the following concerns: -
- i) Outside village envelope and in the countryside.
  - ii) Adverse impact upon landscape setting of village due to level changes in area.
  - iii) Visual impact on view approaching the village from the east.
  - iv) Impact upon historic character of village.
  - iv) Scale of development in a Minor Rural Centre where maximum allowance is 30 dwellings- suburban sprawl- smaller infill developments should be encouraged.
  - v) Cumulative impact of development with proposal at Bartlow Road.
  - vi) Would set a precedent for future developments around the village.
  - vii) Increase in traffic on to the A1307 at a dangerous junction and through the village.
  - viii) Access point on to Horseheath Road where traffic speeds are high.
  - ix) Safety of pedestrians along footways in village.
  - x) Distance from services in village and lack of parking.
  - xi) Flood risk.
  - xii) Impact upon sewers.
  - xiii) Loss of agricultural land.
  - xiv) High density development.
  - xv) Design at odds with Linton traditions.
  - xvi) Village infrastructure inadequate- schools, health centre, shops, public transport, employment.
  - xv) Lack of on-site parking.

- xvi) Traffic pollution.
  - xvii) Poor consultation – the whole village should have been notified of the development.
  - xviii) The applicants would not develop the land and the plans could be different.
  - xix) Inadequate reports supporting the application.
  - xx) Glebe land cannot be sold for profit.
49. **Two letters of support have been received from local residents** in relation to the application. They raise the following points: -
- i) Retention of a green space between the village and the A1307.
  - ii) Much needed market and affordable housing.
  - iii) Allotments to serve the village.
50. **The Headteachers of Linton Heights Junior School and Linton Infants School** are concerned about the impact upon the schools. The Junior School is a tired and unsuitable building. There is not enough space to house the current pupils so for a number of years a temporary portacabin has been used as a classroom. Any increase in children would require significant improvements. The Infant School has had a number of alterations over the years and is at maximum capacity in terms of the hall and toilets and in order to offer a quality education, 4 of 6 classrooms are undersized. Neither school would be able to welcome new families moving into the area.
51. **Chair Linton Village College Governors** – Comments that the County Council assessment in relation to the capacity of Linton Village College (LVC) to take more students is correct. However, this is based upon the designated feeder schools only and the following points should be noted: -
- i) LVC is an Academy and makes its own admissions policy;
  - ii) LVC is oversubscribed. The PAN for 2016/17 is 165 students. 180 have been accepted and there is a waiting list of around 40.
  - iii) LVC has historically admitted 20% of students from outside the catchment area and mostly in Suffolk.
  - iv) LVC has recently expanded its catchment to include some primary schools in Essex. This is because of the expansion of Saffron Walden and that the County High can no longer guarantee places.
  - v) LVC is an OFSTED rated Outstanding school- it has been and is oversubscribed. As the Multi Academy Trust expands, there have been three new applications from primary schools, one in Suffolk. This means that there is pressure to give priority for admissions to members of the Trust.
- Many of these points have not been considered by the County Council and it is considered that the formula for calculating capacity is out of date and should not be given weight.
52. **The applicants** have outlined the following points in support of the application:
- i) The Diocese is a not-for-profit organisation, whose income is devoted to supporting its approx.180 priests in South Cambridgeshire and elsewhere in the Diocese who provide considerable community support alongside their religious activities.
  - ii) In keeping with the community status, we aim to be responsible developers.
  - iii) We propose the full 40% allocation to affordable housing.
  - iv) We are proposing 30 allotments to meet the need we identified when we spoke to the village.
  - v) We will build a mix of houses to suit local needs if approval is granted.
  - vi) We have only had five comments from members of the public and two were enquiring how they could buy the houses.



- vii) The site is not in the Green Belt.
- viii) The current lack of a 5 year housing land supply justifies granting approval.

53. The applicants challenge the requirement for a trench based evaluation required by Cambridgeshire County Council Historic Environment Team prior to the determination of the application on two grounds. Firstly, this would be impractical because the crops have to be safeguarded. Secondly the additional financial cost associated with an archaeological evaluation would be very expensive and the owner is a Charity and mindful of costs. A condition of Section 106 agreement is requested to address this issue as an alternative.
54. The benefits of the development are considered to point towards consent on land use grounds. Reference is made to the conclusion of Lord Keith's peroration in the British Railways Boards case "the function of the planning authority is to decide whether or not the development is desirable in the public interest...but there is no absolute rule that the existence of difficulties, even if apparently insuperable, must necessarily lead to refusal of planning permission for a desirable development". Our archaeologist's opinion is that there will be abundant space for up to 50 dwellings and Inspectors have determined at appeals at Corhampton and Clerkenwell that a condition is considered appropriate.
55. The applicants have brought officer attention to a site at Love Farm in St Neots where the Cambridgeshire County Council requested an archaeological evaluation prior to determination of the application. In this case, the officer considered that a condition was suitable.

### **Site and Surroundings**

56. The site is located outside of the Linton village framework and in the countryside. It is situated to the north east of the village and is an L shaped parcel of arable land that measures approximately 2.88 hectares in area. There is currently landscaping along the majority of the northern, western and southern boundaries. The eastern boundary is open. Residential developments lie to the south and west. A dwelling lies to the north. A public footpath lies to the north east. A hedge and public footpath lie to the east with open agricultural land and the A1307 road beyond.
57. The site is situated within the East Anglian Chalk Landscape Character Area on grade 3 (good to moderate) agricultural land. The site lies within Flood Zone 1 (low risk). No. 28 Horseheath Road is a grade II listed building that lies approximately 150 metres to the west of the site. The Linton conservation area lies 500 metres to the west.

### **Proposal**

58. The proposal as amended seeks outline permission for a residential development on the site of up to 50 dwellings and 28 allotments. The access, layout, design and external appearance, and landscaping are matters reserved for later approval.
59. 20 of the dwellings would be affordable in nature. The mix would be 2 x one bedroom houses, 8 x 2 bedroom houses and 10 x 3 bedroom houses. The tenure would be 50% social rented and 50% intermediate. The remaining 30 dwellings would be available for sale on the open market. The mix would be 10 x two bedroom houses, 10 x 3 bedroom houses and 10 x 4 bedroom houses (should the site be capable of accommodating 50 dwellings).
60. The development is intended to be predominantly two-storeys in height with a small

number of single storey bungalows. There would be and a range of detached, semi-detached and terraced properties arranged around a main spine road and offset. A Local Equipped Area of Play has been provided within the northern part of the development and 28 allotments would be provided to the south east.

61. The allotments would be for community use.

### **Planning Assessment**

#### *Housing Land Supply*

62. 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.
63. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 3.9 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 2015). 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.
64. 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.
65. In the case of this application policies which must be considered as potentially influencing the supply of housing land include ST/2 and ST/5 of the adopted Core Strategy and adopted policies DP/1, DP/7, CH/2 and NE/17 of the adopted Development Control Policies. Policies S/7, S/9 and NH/3 of the draft Local Plan are also material considerations but are also considered to be relevant (draft) policies for the supply of housing.
66. 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 for instance ).

### *Principle of development*

67. The site is located outside the Linton 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 50 dwellings is not therefore considered acceptable in principle. However, this policy is considered out of date due to the current lack of a 5 year housing land supply.
68. Linton is identified as a Minor Rural Centre under Policy ST/5 of the LDF and Policy S/8 of the emerging Local Plan where there is a reasonable range of services and facilities and residential developments of up to 30 dwellings are supported in policy terms. The erection of a residential development of up to 50 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 below.

### *Deliverability*

69. There are known technical constraints to the site's delivery. Officers are therefore of the view that the site may not 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.

### *Sustainability of development*

70. 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.

### **Scale of Development**

71. This proposal for 50 dwellings (along with the proposal under planning application S/1963/15/OL for 78 dwellings and which remains undetermined) would result in a total of 128 new dwellings within Linton. Given the current lack of a 5 year housing land supply and the fact that policy ST/5 is out of date, a judgement needs to be made as to whether the scale of the development is acceptable for this location in terms of the size of the village and the sustainability of the location.
72. The Services and Facilities Study 2013 states that in mid 2012 Linton had an estimated population of 4,530 and a dwelling stock of 1,870. It is one of the larger villages in the district. An additional 128 dwellings would increase the number of dwellings by 7%. This is not considered to be out of scale and character with the size of the village.
73. Whilst it is acknowledged that the most preferable location for development is first on the edge of the city of Cambridge and secondly in Rural Centres, it is considered that Linton is a sustainable location to accommodate increased housing development. The Services and Facilities Study 2013 identifies a wide range of services and facilities in the village that include a secondary school, junior school, infant school, health centre, dentist, post office, 4 food stores plus a small supermarket, other services such as hairdressers, florists etc., 3 public houses, a village hall and 3 other community centres, a recreation ground and a bus route to Cambridge and Haverhill with a service every 30 minutes during the day Mondays to Saturdays and hourly on

Sundays.

74. The majority of the services and facilities are located on the High Street. The site is situated on the edge of the village at a distance of approximately 800 metres from the shops and 600 metres from the nearest bus stop. There is an existing public footway up to the western boundary of the site that would ensure that there is convenient accessibility by walking and cycling to the centre of the village.
75. The village is ranked at jointly at No. 6 in the Village Classification Report 2012 in terms of access to transport, secondary education, village services and facilities and employment. It only falls below the Rural Centres that have slighter better accessibility to public transport. Given the above assessment, the future occupiers of the development would not be wholly dependent upon the private car to meet their day-to-day needs and wider needs could be served by public transport. Linton is therefore considered a sustainable location for a development of this scale and the weight associated with Policies DP/7 and ST/5 is limited and not considered to outweigh the need for housing.
76. In contrast, it should be noted that Waterbeach has a significantly lower score and has been considered sustainable for a greater number of dwellings.

#### **Character and Appearance of the Area**

77. The site is currently a piece of arable land that is located outside the Linton village framework and in the countryside. It forms part of the landscape setting and sensitive settlement edge to the village. These are important material planning considerations.
78. The site is situated within the East Anglian Chalk Landscape Character Area and the landscape character of the site and its immediate surrounding are typical of East Anglian Chalk comprising large agricultural fields separated by clipped hedges, set in an open and gently rolling landscape, with long views available both over lower land and to hills featuring wooded tops. The development would result in the introduction of development in an area that is currently undeveloped, and given the site characteristics and landscape setting, development of the scale proposed has the potential to result in a loss of openness to the countryside and landscape and visual harm. The application has been submitted in outline with all matters reserved, including layout. However, the submission expressly seeks formal consent for up to 50 dwellings at a sensitive edge of settlement location within undulating landscape topography. Given the landscape and visual amenity characteristics and context of the site, and notwithstanding the fact that detailed matters such as layout and scale are currently reserved, the Local Planning Authority does not consider that the applicant has satisfactorily demonstrated that a development of up to 50 dwellings can be accommodated on the site without causing harm to the landscape and visual amenities of the area. It is considered that a comprehensive scheme of structured landscape planting, combined with a design-led approach to the development of this site is essential, and this would be highly likely to encroach into the developable area of the site and compromise the ability to accommodate 50 dwellings. The Local Planning Authority therefore considers that a development of 50 dwellings would be likely to exert a harmful effect on the landscape and visual amenities of the area, contrary to Policies DP/1, DP/2, DP/3 and NE/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, 2007. Policy DP/1 is considered to relate to the supply of housing, and is therefore considered as being out of date. However, one of the aims of the policy is the need to conserve and if possible enhance local character, which is supported by the aims of the NPPF, and Policies DP/2 and DP/3 of the adopted LDF. Policies DP/2 and DP/3 are not considered to be

housing supply policies and are not therefore considered to be out of date. Officers are of the view that considerable weight can therefore be given to Policy DP/1.

79. The Landscape Design Officer has also expressed concerns about the landscape structure and layout shown on the indicative masterplan, and in the absence of detail to demonstrate otherwise the Local Planning Authority considers that a development of the scale formally proposed at this location would have harmful effects on the landscape character and visual amenity of the settlement edge.

### **Housing Density**

80. The site measures 2.24 hectares in area (net). The erection of up to 50 dwellings would equate to a maximum of 22 dwellings per hectare. Whilst this density would be below the requirement of at least 40 dwellings per hectare for sustainable villages such as Linton under Policy HG1 of the LDF, the sensitive nature of the site on the edge of the village and need for comprehensive landscaping dictates that a lower density of development is both reasonable and necessary for this particular site. This policy can be given considerable weight as the development may compromise local character.

### **Affordable Housing**

81. 20 of the 50 dwellings (or pro rata) would be affordable to meet local needs. This would comply with the requirement for 40% of the development to be affordable housing as set out in Policy HG/3 of the LDF and Policy H/8 of the emerging Local Plan to assist with meeting the identified local housing need across the district. However, the proposed mix of 2 x one bedroom houses, 8 x 2 bedroom houses and 10 x 3 bedroom houses and the tenure mix of 50% rented and 50% intermediate is not agreed. Given that the application is currently at outline stage only, it is considered that the exact mix and tenure of the affordable dwellings could be agreed at the reserved matters stage.

### **Housing Mix**

82. The remaining 30 dwellings would be available for sale on the open market. The proposed mix of 10 x two bedroom houses (33.3%), 10 x 3 bedroom houses (33.3%) and 10 x 4 bedroom houses (33.3%) would comply with Policy HG/2 of the LDF that requires a mix of units providing accommodation in a range of types, sizes and affordability, to meet local needs and H/8 of the emerging Local Plan that requires market homes in developments of 10 or more homes will consist of at least 30% 1 or 2 bedroom homes, at least 30% 3 bedroom homes, at least 30% 4 or more bedroom homes with a 10% flexibility allowance that can be added.

### **Developer Contributions**

83. Appendix 2 provides details of the developer contribution required to make the development acceptable in planning terms in accordance with Policy DP/4 of the LDF band paragraph 204 of the NPPF. The applicants have agreed to these contributions in addition to the contributions required as a result of the cumulative impact of this development and the proposal under reference S/1969/15/OL.
84. Members will note that the Cambridgeshire County Council Growth Team consider there is sufficient early years, primary and secondary school capacity but that this is contested by the Headteachers of both the local Junior and Infants schools. The comments of the Headteachers of the Junior and Infants Schools and the Governors

of Linton Village College are noted. Whilst the schools are well attended Cambridgeshire County Council Growth Team has advised that in-catchment demand indicates there is sufficient capacity to accommodate new development (although any further future development beyond these sites may see this position reviewed). In effect the schools fill with out-of-catchment pupils, who in future would be accommodated in their local catchment. The Council would have no basis on which to seek education contributions, that would be CIL compliant.

85. NHS England considers there is sufficient GP capacity to support the development.

### **Design Considerations**

86. The application is currently at outline stage only. All matters in terms of access to the site, the layout of the site, scale, external appearance and landscaping are reserved for later approval.

87. The amended indicative layout shows a an L shaped cul-de-sac development with a linear pattern of dwellings together with small groups of two dwellings arranged around shared driveways on the western part of the site. 8 dwellings and 28 allotments for community use are shown on the south eastern part of the site. A Local Area of Equipped Play is provided alongside the main access road on the northern part of the site close to the entrance to the development. The application has been submitted in outline with all matters reserved, including layout. However, the submission expressly seeks formal consent for up to 50 dwellings. The application site comprises a sensitive edge of settlement location within undulating landscape topography. Given the landscape and visual amenity characteristics and context of the site, the Local Planning Authority does not consider that the applicant has satisfactorily demonstrated that a development of up to 50 dwellings can be accommodated on the site without causing harm to the landscape and visual amenities of the area. It is considered that a comprehensive scheme of structured landscape planting, combined with a design-led approach to the development of this site is essential, and this would be highly likely to encroach into the developable area of the site and compromise the ability to accommodate 50 dwellings. The Local Planning Authority therefore considers that a development of 50 dwellings would be likely to exert a harmful effect on the landscape and visual amenities of the area. The weight associated with this is assessed, on balance, against the delivery of housing.

### **Trees/ Landscaping**

88. The proposal would not result in the loss of any important trees and hedges that significantly contribute towards the visual amenity of the area. The majority of the trees and hedges along the northern, southern and western boundaries of the site that are in a good condition would be retained and protected.
89. The development is therefore capable of complying with adopted policies DP/2 and DP/3 in relation to the safeguarding of existing planting and natural landscape features.

### **Biodiversity**

90. The site is dominated by arable land and is surrounded by species poor hedgerows/trees and grass margins. It is considered to have a low ecological value but the margins could provide habitats for reptiles and badgers and the trees could have bat roosts. Conditions would be attached to any consent for resurveying the site for reptiles, badgers and bats prior to the commencement of any development and

ecological enhancements such as bird and bat boxes in accordance with the recommendations of the submitted report and the provisions of policy NE/6.

### **Highway Safety and Sustainable Travel**

91. Horseheath Road leads from the centre of the village to the A1307 (Cambridge to Haverhill Road). It has a speed limit of 30 miles per hour from the village to the point at the entrance to the site where it changes to 60 miles per hour.
92. The development would result in a significant increase in the level of traffic in the area. However, no objections have been raised by Cambridgeshire County Council Transport Assessment Team in relation to the impact of the development upon the capacity and functioning of the public highway. The proposal would not therefore be detrimental to highway safety.
93. The access width of the main road into the site at 5.5 metres would accommodate two-way traffic into the site and would be acceptable. The 2.0 metres footpaths on each side are adequate and would provide safe pedestrian movements. The proposed vehicular visibility splays of 2.4 metres x 90 metres to the west and 2.4 x 215 to the west are acceptable. The access would therefore accord with Local Highways Authority standards.
94. There is a bus stop on the High Street approximately 600 metres to the west of the site. This gives direct public transport access to Cambridge and Haverhill by a 30 minute service Monday to Saturdays. This is accessible by walking via a public footpath along the southern and northern side of Horseheath Road. A Section 106 legal agreement would be required to secure the provision of a 2 metre wide footway along the south side of Horseheath Road to connect to the existing footpath and dropped crossings with tactile paving across Horseheath Road and Lonsdale, Wheatsheaf Way, Keene Fields and the library access road. It is also accessible by cycling and has cycle parking available. A section 106 legal agreement would be required to secure further cycle parking in the village.
95. The Transport Statement commits to the provision of a travel plan to encourage the use of alternative modes of transport other than the private motor vehicle for occupiers of the new dwellings prior to occupation. Measures include the appointment of a travel plan co-ordinator and the provision of information packs to new residents. However, further details are required and a full travel plan would need to be submitted following first occupation of the dwellings. These would be conditions of any consent.
96. The development therefore has the potential to comply with the requirements of adopted policies DP/3, DP/4, TR/1, TR/2 and TR/3

### **Flood Risk**

97. The site is located within Flood Zone 1 (low risk). The River Granta is the most significant watercourse in the area that is located 350 metres to the south of the site. There are no other notable watercourses within the vicinity of the site. A small part of the south western corner of the site is subject to surface water flooding (low risk). There would be no material conflict with adopted policy NE/11.
98. The surface water drainage system would comprise SUDS in the form of infiltration systems such as soakaways to accommodate surface water from a 1 in 100 year storm event plus climate change. The design of the surface water drainage system would be agreed through a condition attached to any consent along with the

management and maintenance of the system.

### **Neighbour Amenity**

99. Whilst it is acknowledged that there would be a change in the use of the land from an open field to residential dwellings, the development is not considered to result in a significant level of noise and disturbance that would adversely affect the amenities of neighbours. A condition would be attached to any consent in relation to the hours of use of power operated machinery during construction and construction related deliveries to minimise the noise impact upon neighbours.
100. The impact of the development itself on neighbours in terms of mass, light and overlooking will be considered at the reserved matters stage. It is noted that the land falls southwards. As such the development is capable of being in compliance with policy DP/3.

### **Heritage Assets**

101. The County Council's Historic Environment Team has provided an in depth consultation response. The site is located within an area of high archaeological potential due to the number of heritage assets in the area recovered from previous developments. A geophysical survey has been submitted that provides new evidence from the development site where no evidence was previously known but was suspected to be present. This shows that the site may have important archaeological features such as a Saxon settlement and/ or further funerary evidence and a new barrow/ funerary monument that need to be protected.
102. A trench based field evaluation is required to investigate this matter further and gain evidence of soil depths over archaeological remains, details of the condition, character and significance of the monument and archaeological character of the rest of the site to ensure that an appropriate mitigation strategy is planned that would ensure that any important archaeological features are not destroyed.
103. Critically, the view is taken that this is required prior to the determination of the application in case there are any areas that need to be retained in situ that may affect the number of dwellings that could be accommodated on the site.
104. Archaeological sites need to be protected in accordance with adopted policy CH/2. Whilst Policy CH/2 is considered to be a policy that restricts the supply of housing, and is therefore considered out of date, officers are of the view that significant weight can be given to Policy CH/2 in this case. The NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution that their conservation can make to sustainable communities. 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. Significance can be harmed or lost through alteration or destruction of the asset or development within its setting. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be subject to the policies for designated heritage assets.
105. The County Council's concerns are considered to be material and the significance of the archaeological potential of the site has been explained. There is no suggestion at present that field evaluation at this stage will prevent development in principle and its objection appears to be entirely reasonable. This objection weighs significantly



against the proposal at the present time.

106. Whilst the comments of the applicant in relation to the reasons why an archaeological evaluation cannot be carried out at this point in time are acknowledged, the comments of Cambridgeshire County Council Historic Environment Team are clear in that further works needs to be carried out to determine whether the site can accommodate up to 50 dwellings without harm to undesignated heritage assets. I have dealt with an application recently where an archaeological exclusion zone prevented development on a large part of the site following an evaluation. The details of the appeal examples referenced are not known in detail and each application needs to be determined upon its own merits. The application referenced in St Neots related to a significantly larger site and in that case, the officer considered that there was sufficient flexibility at the reserved matters stage to allow for the retention of any remains in situ without reducing the developable area. This case is not comparable. It is in the public interest to safeguard heritage assets and it therefore this matter has to be seriously considered in the balance of the application and the final recommendation in accordance with paragraph 14 of the NPPF. It is considered that the weight associated with Policy CH/2 and paragraph 135 of the NPPF would outweigh the need for the delivery of housing in this case.
107. The site is located 150 metres from the nearest listed building at No. 28 Horseheath Road. The development is not considered to harm the setting of the listed building as it is limited to its immediate surroundings of existing residential development.
108. The site is located 500 metres from the boundary with the conservation area. The development is considered to preserve the setting of the conservation area given that there are no views of the site from the conservation area or views from the site to the conservation area and the increase in traffic through the village is not considered significant when taking into consideration the size of the village.
109. Thus the statutory requirements in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 respect of listed buildings and conservation areas would be met as would compliance with adopted plan polices CH/4 and CH/5.

#### **Other Matters**

110. The development is not considered to result in a risk of contamination providing a condition is attached to any consent to control any contamination identified during the development.
111. The site is located on grade 3 (good to moderate) agricultural land. The development would result in the permanent loss of this agricultural land contrary to policy NE/17. However, this policy does not apply where land is allocated for development in the LDF or sustainability considerations and the need for the development are sufficient to override the need to protect the agricultural use of the land. In this case, this is considered satisfactory given the absence of up-to-date policies for the supply of housing in the district. Therefore, limited weight can be attached to this policy.
112. The lack of any employment within the proposal is not a planning consideration in this particular case as the site is not located within any designated employment area.
113. Whilst the need for allotments in the village is noted, there is no policy requirement for the provision of allotments within developments. The provision of 28 allotments would, however, make some contribution to the identified need. Any application for

development of the allotments in the future would be determined upon its own merits.

114. The documents submitted with the application are sufficient to determine the application. A heritage statement is not required as the development is not considered to affect the setting of the conservation area or listed buildings. A summary of public consultation is satisfactory. The application form has been corrected.
115. The lack of consultation with the local community is regrettable as this is encouraged by the Council but would not warrant refusal of the application.
116. The ownership of the land is not a planning consideration that can be taken into account in the determination of the application.

### **Conclusion**

117. In considering this application, the following relevant adopted Core Strategy and Development Plan policies are to be regarded as out of date while there is no five year housing land supply:
118. Core Strategy  
ST/2: Housing Provision  
ST/5: Minor Rural Centres
119. Development Plan  
DP/1: Sustainable Development  
DP/7: Village Frameworks  
HG/1: Housing Density  
HG/2: Housing Mix  
CH/2: Archaeological Sites
120. 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.
121. This report sets out that the scale of development proposed (50 dwellings) would be likely to have a harmful effect on the landscape character and visual amenities of the sensitive settlement edge. Moreover, insufficient evidence has been submitted to determine the likely impact of the development proposals on heritage assets. In combination, these two material considerations weigh significantly against supporting the application proposals, despite the shortfall in housing land supply and the presumption in favour of sustainable development.
122. These adverse impacts must be weighed against the following benefits of the development:
- i) The positive contribution to be made by the application towards increasing housing land supply in the district based on the objectively assessed 19,500 dwellings target set out in the SHMA and the method of calculation and buffer identified by the Inspector.
  - ii) The provision of 28 allotments for community use.
  - iii) Developer contributions towards public open space and community facilities in The village.
  - iv) Suitable and sustainable location for this scale of residential development given the position of the site in relation to access to public transport, services and facilities and local employment.

- v) Improvement of footpath along southern side of Horseheath Road
- vi) Upgrade of crossing points
- vii) Employment during construction to benefit the local economy.
- viii) Greater use of local services and facilities to contribute to the local economy.

123. Overall it is considered that the landscape and visual amenity and heritage asset concerns set out within this report are sufficient to demonstrate that the application proposals do not constitute sustainable development.
124. Whilst it is acknowledged that the policies for the determination of housing in the adopted Development are out-of-date, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits offered by this application.

### **Recommendation**

125. It is recommended that the Planning Committee refuses the application for the following reasons: -
- (1) Insufficient information has been submitted in relation to the impact of the proposal upon features of archaeological interest to demonstrate that the proposal could be accommodated on the site without harm to heritage assets. The proposal cannot be supported until the results of a trench-based field evaluation have been carried out prior to approval being granted. The proposal is therefore contrary to Policy CH/2 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states archaeological sites will be protected in accordance with national policy and paragraph 135 of the National Planning Policy Framework 2012 that states the effect of the proposal upon the significance of a non-designated heritage asset should be taken into account when determining an application having regard to the scale of any harm or loss and the significance of the heritage asset.
  - (2) The application has been submitted in outline with all matters reserved, including layout. However, the submission expressly seeks formal consent for up to 50 dwellings. The application site comprises a sensitive edge of settlement location within undulating landscape topography. Given the landscape and visual amenity characteristics and context of the site the Local Planning Authority does not consider that the applicant has satisfactorily demonstrated that a development of up to 50 dwellings can be accommodated on the site without causing harm to the landscape and visual amenities of the area. It is considered that a comprehensive scheme of structured landscape planting, combined with a design-led approach to the development of this site is essential, and this would be highly likely to encroach into the developable area of the site and compromise the ability to accommodate 50 dwellings. The Local Planning Authority therefore considers that a development of 50 dwellings would be likely to exert a harmful effect on the landscape and visual amenities of the area, contrary to Policies DP/1, DP/2, DP/3 and NE/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, 2007 and the adopted Design Guide.

### **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 References: S/1969/15/OL and S/1963/15/OL

**Report Author:**

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## LINTON PARISH COUNCIL

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Chairman: Mrs Enid Bald.



S/1969/15/OL Mr J. Green, Ely Diocesan Board of Finance, 1 Horseheath Road – outline planning application with all matters reserved for up to 50 houses and 30 allotments. Amendment: Corrected application form, archaeological report, revised flood risk assessment, revised transport statement, health assessment & revised layout.

### PC Decision: To NOT support:

In response to the recent reports and assessments, we have the following comments:

- PC comments submitted as objections and holding objections we now confirm to be full objections to the planning applications at Horseheath Road (S/1969/15/OL) and Bartlow Road (S/1963/15/OL).
- The site is outside of the village envelope and was rejected in the Strategic Housing Land Availability Assessment (SHLAA) as having no developmental potential. This view is further confirmed by the recent amendments.
- The number of allotments would not meet the recognised village needs. We have lost several allotment areas in the past. The allotments and adjacent parking would need to be granted Freehold to the village i.e. owned by the village in perpetuity.
- The children's play space (LEAP) would require ongoing maintenance and would cater for a small number and age-range, soon to be outgrown. It would potentially end up as a liability for the parish rather than an asset. Children from other parts of the village are unlikely to use the LEAP due to the distance to reach it. Linton is deficient in sports and leisure space and a small space in a distant part of the village does little to meet these needs.
- The pedestrian route would be a short additional length of pavement in an area of heavy traffic with a 50mph speed limit. The site remains over ¾ mile or 1km from the village centre and almost 2km from the recreation facilities and Village College so walking is unlikely to be the first option for access to these.
- The provision of good quality bungalows and small or affordable housing does not sufficiently reflect the expressed needs of the village as discussed with the applicant.
- This development contains no potential for employment within the village and would only attract incoming commuters, adding to the burden on the infrastructure. In the construction phase we have few local builders who are in need of work so the potential for local employment is limited.
- The site is 1km from the village centre and its shops meaning it is unlikely these will be accessed on foot and therefore add to the traffic and parking problems within the village. Residents might find it easier to shop on their way home from work, or in local towns, rather than park in the village centre thus giving little new trade to our existing businesses.
- The junction with the A1307 is difficult and dangerous and traffic from the site would potentially leave by the safer route through the village and Conservation Area. Traffic from the site would add to problems on Horseheath Road where new developments have already been built with insufficient parking.
- The site will be affected by the ever-increasing traffic on the A1307 with noise and pollution affecting residents. Tree and hedge barriers take a long time to effective.
- The Transport Assessment is inaccurate and does not reflect actual volume of traffic on the A1307.
- The impact on the landscape has been emphasised in previous comments. Hedging and tree buffer zones will take a long time to establish leaving neighbouring properties with reduced privacy and amenity. The maintenance of these will become another parish responsibility.
- Social cohesion: the effect of this development would be negative especially at envisaged prices, as local needs for bungalows, small and affordable homes would not be met. Another tranche of commuters isolated at the edge of the village is the expected result should this go ahead.
- Public services: we note that this does not address the utilities of water, sewage and other physical aspects. The infrastructure is already at or near capacity for schools and medical centre, water,

sewage and roads. The other infill developments being built in the village will absorb any current capacity.

- Nothing in the amendment mitigates the negative impact of the development on the village as in our previous objections. We note the comment on flood risk. Recent wet weather has made it clear that expected flooding resulting from this development is a threat to neighbouring houses and onto the Bartlow Road. The reserved area at the south west corner of the site is particularly wet. **The development remains unsustainable and undeliverable.**
- The archaeological statement confirms that this site has significant archaeological potential; we expect this to be the site of a Saxon cemetery with funeral remains. A cemetery site with 104 Saxon skeletons is known nearby on Linton Heath. We understand that the geophysical data might indicate further interesting finds. We are promoting Linton as an historic area and this statement supports the extent and antiquity of the site and our village. It is required that full field evaluation should take place prior to a determination being made owing to the presence of funerary evidence and other evidence that is present in geophysical survey data. The extent of archaeological evidence at the site and its conditions and significance has not been given sufficient weight in this application.
- The development means the loss of arable land.

The PC will also be submitting professional comments which are ~~being drafted~~ attached .

N2016 03 04 S/1969/15 HORSEHEATH ROAD

S/1969/15/OL Horseheath Road Linton. Mr J Green, Ely Diocesan Board of Finance. Outline planning application with all matters reserved for up to 50 houses and 30 allotments. Amendment: Corrected application form, archaeological report, revised flood risk assessment, revised transport statement, health assessment & revised layout.

**PC decision: TO NOT support:**

We have the following comments in response to the recent reports and assessments:

- **The PC holding objections of September 2015 are now full objections as they have not been addressed.**
- **The community was not consulted on either of the submitted proposals and the identified community concerns were not taken into account.**
- **The site is outside the village envelope and was rejected in the Strategic Housing Land Availability Assessment (SHLAA) as having no development potential. This view is further confirmed by the recent amendments.**
- **The scheme would still have a damaging impact on the archaeology, landscape, appearance and character of the locality and its Outstanding Conservation Area.**
- **The proposal still does not meet the identified needs of the village and the scheme would still exacerbate existing infrastructure, traffic and flooding problems for the community.**

**Consultation**

No developer consultation took place on the application schemes. As previously described by LPC, limited consultation took place on another scheme, but the application did not comply with the relevant Localism Act Section 122.

**Changes**

The changes do not address community concerns about the scheme and the lack of clarity about the scheme's benefits to outweigh harm. The amended plan shows fewer identified needs are met than they were in the previous scheme.

The play area missing in the original scheme has been provided on the amended plan, but the layout has become more cramped, housing types have changed and two of the allotments have been lost. The application description and relevant reports have not been updated. Stated benefits such as 30 allotments no longer apply.

There is no clarity about the new possible LEAP and whose responsibility it would be to maintain it. It is also too far from existing houses to benefit the existing community. Without a clear scheme for the LEAP and its ongoing maintenance at the decision-making stage, it fails to definitively deliver future community benefit, and potentially leaves the Parish with unbudgeted costs for the new development. It therefore does not comply with Policy NPPF 70 nor with the objectives of the Open Space SPD.

The proposed housing is more cramped than the previous scheme, with more large market houses and fewer bungalows. This edge of village location and mix will encourage commuters instead of local people and does not provide the types of housing identified as being needed by Linton. These

were predominately 1-bedroom houses and bungalows. As a result, the scheme still does not comply with Policies HG/1 and NPPF 50.

The road layout has been changed so the road leads directly to the allotments, so is more likely to lead to friction between the various uses and residents parking at the allotments.

The plan also shows more housing and less open land along the southern boundary where the site floods.

### **Flooding Assessment**

The site is subject to surface water flooding as shown on the Environment Agency map. The most visible part of this is where the flooding from the upper field to this lower field crosses Horseheath Road, and this is not a 1-in-1000-year event; it occurs regularly after periods of prolonged rainfall. After heavy rainfall there is also flooding along the rest of the southern boundary and this run-off affects the existing properties below this southern part of the site.

The Flooding Assessment has not been updated to reflect the proposed layout of the site. It still proposes that the existing flood water will be able to run off into the allotments in the south west corner, but the plan does not show any allotments there. It also does not consider how viable allotments would be if also used as flood catchment areas.

The rate of failure of 3 out of 4 of the percolation tests shows that the field does not adequately absorb water, and therefore in principle relying on a reduced area of the field to absorb the flood water that the whole field already fails to do, is unrealistic. Additionally, this small undeveloped part of the south west corner is described as 'reserved' so any flood mitigation works there would be unenforceable.

Development and hard surfacing will significantly reduce the ability of this site to absorb rainfall once it is no longer an open field. The position and orientation of the proposed access makes it worse. This proposed central roadway meets Horseheath Road midway along the Environment Agency's identified road flood position. Instead of continuing along the road to the existing road drains, the floodwater would divert down the new roadway, following its slope and orientation to flood into the new houses at the bottom of the site and onto the existing houses on the lower land below this site.

In order to reach the mains drains at Lonsdale, the proposed foul drain would go through private property owned by third parties, and the application fails to demonstrate that the necessary consent has been given to make this deliverable in principle.

The village has minimal infrastructure capacity and where limited spare capacity was identified in the SHLAA, it has already been substantially used by recent infill developments. The proposed development of 50 houses and its cumulative impact with the 78 houses in the current application at Bartlow Road is expected to significantly exceed much of the available infrastructure, including mains drainage. Both developments are proposed to connect to the eastern edge of the village, where the existing demand on the minimal local mains pipe already exceeds capacity and where the drainage is defective.

The report still assumes that the drains at Lonsdale run to a separate and adequate surface water drain discharging to the River. But the large scale drainage maps for this part of Linton show that this is not the case and the Lonsdale surface water is also taken to the foul drain, adding to risks of blockages. The maps show that the houses on this edge of the village all go to a 1970s foul main



drain that was designed for the approx. 50 houses at Finchams Close, and is the smallest main drain size possible. It is currently serving double its designed capacity and the map shows significant defects along the route. The main route is also lower than the treatment works but has no pumps to discharge it, and the map unusually records internal floor levels alongside the pipe, indicating that problems with this main drain already affect people's homes.

Jointly the numbers of houses in the two current applications would take it to about 5 times the designed capacity of the pipe. Despite this, there is no assessment and no proposal to upgrade the infrastructure to deal with the additional loading, as should have been carried out to avoid making conditions worse for the existing community.

The Environment Agency notes the ground conditions on the site are inadequate for soakaways to deal with surface water. The report proposes alternatives of private soakaways (it calls sustainable SuDS drainage) and mains. It proposes possibly soakaways would work if dug into a chalky layer below the clay, but percolation tests into this chalky layer still failed. Any SuDS water retaining system suitable for 50 houses would be extensive and on the high ground immediately above the existing houses. Residents are aware that SuDS storage systems do fail and there is no good practice safety backup proposed, and therefore the existing housing would be at risk. In the other alternative, the report suggests that surface water could be diverted to the main drain at Lonsdale. This is not sustainable drainage and would increase the problems of the main drain, the issues of ownership and deliverability, and the risk to existing homes.

The proposals put existing housing at significant risk of surface water and foul water flooding. The scheme therefore fails to comply with Policies DP/3, DP/4 and DP/5, the Technical Guidance to the NPPF and Policies 100-103 of the NPPF.

### **Archaeological Report**

Linton is promoted as an historic area and this character is an important part of its tourist economy. Although the Archaeological report is incomplete, and the report on above-ground Heritage assets is still missing, the findings are already significant and support the sensitivity and antiquity of the site and village.

The north-eastern side of Linton contains a group of barrows excavated during the 1850s by Sir Richard Cornwallis Neville (Lord Braybrooke), which reflected the barrows on the other side of the river at Bartlow Hills. The finds at Linton and Little Wilbraham formed the basis of his authoritative research and collection, which now form an important part of the Museum of Archaeology and Ethnology, at Cambridge University. Professor Howard Williams, a leading national authority on the period and on cemeteries, confirms:

"From their discovery to the present day, the collections and publications of Neville's excavations at Little Wilbraham and Linton Heath have persistently and fundamentally informed scholarship regarding the early Anglo-Saxon period in the Cambridge region."

He was provided with a copy of the Archaeological report and confirmed that the barrow found on the application site is part of the Linton Heath group, which are highly significant on numerous counts, including for their history as barrows, their history as community cemeteries, their importance as a complementary group; and also for their role in the history of archaeology.

Clearly there is typical funerary evidence and other significant evidence in the geophysical survey data, so a full field evaluation should be provided before determination. The site in Winchester was not one in which findings of the quality of a barrow had been discovered, so is not comparable.

The minimal survey and minimal protection being proposed for the archaeology on this site clearly does not reflect and respect its likely importance. The scheme as it stands is contrary to Policies ST/J, CH/2 and NPPF 128, 135 and 141.

### **Transport Assessment**

The amended report does not address the previous concerns. It still does not reflect the actual traffic volume evidence on the A1307 and the impact on the existing village centre.

The proposed pavement and access to the site is still designed to suit a 30 mph speed limit, whereas the part of the road it is in, is within the 50 mph area. There is insufficient visibility for the speed of the road and that is reduced further by parked cars along this section of road.

Still no provision is made for sustainable travel. There is no public transport provision close by and the proposals still rely on an unlikely assumption residents will walk to the village facilities. All the houses on this site are beyond the IHT guidance for maximum walking distances to local shops and facilities. The measurements are still taken from the closest corner of the site, rather than from the actual houses to the village shops, so are unrealistic. The residents of this site are over 1 km from the village centre and almost 2 km from the recreational facilities and Village College. As a result, they would rely on cars, which adds to the existing identified traffic and parking problems in the village. The position of the site and the added congestion in the centre of the village will encourage out-of-town shopping further afield and discourage the use of local shops.

Together with the other application proposal for 78 houses, this major development proposal will add significantly to existing problems such as traffic congestion and parking on Horseheath Road and the High Street, accidents and difficulties in accessing the A1307 from the village, and the problems of traffic volumes, congestion, noise and pollution of the A1307 itself.

The existing Horseheath Road junction with the A1307 is difficult and dangerous, with poor visibility and traffic hazards such as local vehicles travelling at low speeds joining and crossing heavy commuter traffic travelling at much higher speeds. The limited proposed hatchings on the existing A1307 junction will not improve visibility, safety or any of the identified issues with this junction proportionate to the problems caused by the additional traffic from 50 new houses. It will also not deal with the traffic from this site using the High Street as a safer access onto the A1307 and more direct route to Cambridge, exacerbating the identified problems there. The scheme therefore does not comply with DP/3 (including 1b and 1f), and NPPF 35.

### **Summary of objection**

The original concerns have not been overcome and we update our holding objection to a Full Objection on the following basis:

- 1. The site is outside the development Framework of the village;**
- 2. The proposal is not economically sustainable as it would not provide the infrastructure and growth in the right place at the right time for Linton;**

3. **The proposal is not socially sustainable as it would not provide the mix of housing identified as necessary for the community, does not provide housing in combination with accessible local services, and produces a serious drain on local infrastructure that would damage the existing community; and**
4. **The proposal is not environmentally sustainable as it does not preserve the character of the village and the archaeology on the site, and adds significantly the identified traffic, environmental and flooding problems, which would affect the well-being of the existing community.**
5. **The stated benefits in providing housing on this site are not deliverable.**

Taking each issue in turn:

**1. Framework:**

**The site is outside the development Framework of the village;**

The existing village envelope and restrictions on numbers of houses in the village are defined for planning reasons that all remain valid.

The Village Capacity Study and the SHLAA assessments both confirmed that the Linton sites outside the existing village envelope were not appropriate in principle. The SHLAA Assessment rejected the site in principle on numerous grounds which still apply, including traffic, character, landscape and infrastructure issues. The Village Capacity Study noted that Linton had limited environmental capacity for development and was only capable of absorbing very low levels of change, of a limited type and then only if it was sympathetic to the existing village character.

A proposal showing 50 houses is not a very low level of change and the submitted proposal is not sympathetic to the existing village amenity and character.

Whilst the NPPF directs that 'out of date' Local Development Frameworks are outweighed by the desirability of providing deliverable sustainable development, the application does not fulfil the basic NPPF principles of sustainable and deliverable development:

**2. The scheme is not economically sustainable:**

The site is a highest quality arable field in the open countryside. Its loss from farming would be a permanent loss to the farmstead and the wider agricultural economy of this rural area.

The existing quality, scale, character and tranquillity of the historic village, its Outstanding Conservation Area, large numbers of Listed buildings, history, archaeology and rural surroundings provide valuable tourism that benefits the local economy and local shops.

The local economy and local shops are reliant on the infrastructure and facilities of the village, and on adequate levels of access and parking in the village centre. Linton already has identified problems of traffic congestion and a shortage of car parking in the village centre, and of inadequate infrastructure.

The proposed development would not provide infrastructure in the right place to benefit the existing village and its economy. It is too remote from the existing village centre and is uphill from the existing village facilities. This distance and easier access to shops and facilities elsewhere would encourage the use of cars and greater reliance on out-of-village supermarkets rather than village

shops. The proposed development does not provide necessary strategic infrastructure upgrades such as school building and services that would be needed. They are not deliverable within the existing capacity, so will put an additional burden on the existing community.

The additional traffic needs from residents of 50 more houses will incrementally damage the character, tourism and accessibility of the centre of the village, without bringing proportionate benefits to the community.

As a result, the development does not comply with NPPF Policies 7, 17, 21, 23, 27, 28, 112, 131, 159 and 160, so is not economically sustainable.

### **3. It is not socially sustainable:**

Linton's needs have been identified in local and District Housing Needs assessments as 1 and 2-bedroom starter homes and bungalows. No provision has been made in the application for 1-bedroom starter homes, there are few affordable 2-bedroom homes and the bungalows have been reduced. The majority of houses are large family market homes, which are likely to be unaffordable for local people. They are located on the edge of the village in an isolated cul-de-sac design which will discourage social cohesion and appeal instead to commuters. The scheme would therefore not provide the benefit and housing mix that Linton needs.

The proposed houses do not have accessible local services, because of their distance from the existing shops and facilities and because the village has an identified under-provision of facilities and open spaces. The LEAP now possibly being provided does not provide for older children and is too remote from the rest of the village to add significantly to open space provision for the existing community.

The additional demand of 50 new houses and the distance from existing facilities would provide a serious drain on the existing limited infrastructure. The infrastructure is already at and beyond capacity and the SHLAA identified that significant reinforcements and additional provision would be needed at least to the existing electrical, water and gas supplies, the sewerage network, health care facilities and schools for any of the major developments like this around Linton to be viable. Where limited spare capacity was identified in the SHLAA, it has already substantially been absorbed by the numerous current infill developments being built in the village.

The limited scope of S106 contributions or possible conditions will not be able to provide the strategic investment that is required to provide for the new houses in the two current applications and it cannot be provided in the short term to make these two major schemes deliverable. Neither the application nor the very short S106 list with the application provide assurance that the proposed development would be carried out, funded and phased not to result in hardship to the existing community.

As a result, the development does not comply with Policy HG/1 and NPPF Policies 7, 17, 50, 55, 58, 159 and 162, so is not socially sustainable.

### **4. It is not environmentally sustainable.**

The application does not contribute to protecting and enhancing our natural, built and historic environment, as follows:

The landscape and rural approach to Linton and its Conservation Area, especially from the east, is an important part of the character and interest of the area. The long views across that countryside are identified as a significant part of that distinctiveness and include locally distinctive historic hedgerows with occasional deciduous trees. The proposed development would be on a prominent open part of the countryside on the most sensitive approach to the village and its location, spread and loss of rural character would be damaging. The proposed permanent screening of the eastern boundary would be uncharacteristic of the existing hedgerows and would take a long time to provide effective barriers to views and noise. We also do not believe the proposed development would provide a landscape benefit by being hidden by planting.

The application still fails to follow SHLAA direction, and consider the impact on the settings of Linton Outstanding Conservation Area and Listed Buildings. The visual and historic relationship between the historic assets and their countryside setting is strong. It is particularly visible in conjunction with the farmland to the east of the village. The proposed development does not preserve this.

The assessment and proposals for in-situ archaeology do not ensure their survival, as above.

The indicative plan of the development with its cul-de-sac layout emphasises the lack of social cohesion of this site and weakens the linear character of the village. This layout does not follow the design principles set out for the area in the Design Guide.

The additional traffic from these additional 50 houses, together with the further 78 houses in the current application for Bartlow Road, would add significantly to the volume of traffic and traffic problems of the A1307 and in Linton, as the site is well outside the specified walking distances to local shops and local facilities. Traffic noise already badly affects much of the village and is reverberated by the valley's topography. Houses at the Grip and near the High Street A1307 junction already experience traffic noise that is accepted by SCDC as persistently exceeding the maximum noise limits for viable outside amenity space. This incremental traffic, pollution and noise is at odds with the historic, tranquil, rural character of the village and damages its amenity, character and economy.

The proposed access has insufficient visibility to be safe, and adds to conflicts between traffic and cyclists and pedestrians.

The application does not deal with flooding issues on this site, and the development of the site, its access and roadway and proposed drainage schemes makes them worse. This will put the existing community and existing and proposed housing on lower lying land at greater risk of flooding.

As a result, the development does not comply with NPPF Policies 7, 17, 55, 58, 109, 113, 120, 126, 128, 129, 131, 132 and 159, so is not environmentally sustainable.

#### **5. The development and stated benefits are not deliverable.**

The heritage assessments including the setting of the Outstanding Conservation Area and the pre-application archaeological full field evaluation on the barrow and funerary remains have not been carried out and therefore the application and proposals should not be determined.

The site is under multiple ownership and involves development that is not deliverable without the agreement of further private landowners.

The documentation is inconsistent when describing critical elements of the development and stated benefits. The numbers and positions of houses and allotments on indicative plans do not correspond with the documentation, and the latest changes to the indicative plan show that the scheme does not include the benefit of the stated number of allotments. There is no certainty about the housing mix, none of the bungalows are shown on the eastern edge where the Design & Access Statement says they are located to reduce landscape problems, and none of the allotments are located in the south west corner where the Flooding Assessment says they are located to reduce flooding problems. If there are allotments being used as flood relief areas and archaeological screening areas, there is no assurance that they will also be deliverable for allotment use.

The drainage proposals are not deliverable, because the proposals consist of alternatives, flood relief areas are shown and described inconsistently, and those alternatives put existing houses and residents as well as new residents at risk of flooding. They are also not deliverable because the foul water proposals require the agreement of other land owners who have not agreed.

Upgrading the existing strategic infrastructure and schools that are at capacity is not assured and not deliverable in the short term to deal with the impact of the proposed development. In the meantime the existing problems of capacity for existing residents would become much worse.

The Transport Statement and access to the site relies on a 30 mph speed limit that does not currently exist and there is no assurance it would do so in future.

The Planning Obligations are unclear and there is no detail to establish how deliverable they are, in order to balance any benefit against harm when making a planning decision. For example, the Parish has consistently asked for permanent public allotments to cover the identified shortfall, but there is no assurance on numbers or permanence. Linton PC has been asked to provide a wish-list of potential S106/CIL items without any details and without any certainty these would be provided as needed and in the timescale when needed. Without detail and Heads of Terms being available as part of the decision, these are not deliverable, and fail on similar grounds to the Hauxton Appeal provided with the application.

As a result of the land ownership issues, strategic infrastructure issues, specific proposals and omissions within the application, there is no reasonable prospect that planned infrastructure and mitigation is deliverable in a timely fashion to ensure the development goes ahead quickly, without harm to the existing community and residents. The application therefore fails NPPF 176 and 177.

**In summary:**

The application is premature because it still does not provide the necessary pre-application heritage assessments.

The application would significantly harm the character, appearance and amenity of the existing area, and therefore fails the strategic policies of the Local Plan and the principles of the NPPF.

The application provides significant adverse impacts across all three NPPF principles of sustainable development, and therefore does not comply with the Core Strategy (including 1.14) and overriding NPPF Policies, including 7, 17, 151 and 152.

It does not comply with the strategic policies of the Local Plan and therefore also does not comply with NPPF 156.

It does not comply with the assessment and conclusions of the SHLAA and therefore also does not comply with NPPF 159.

The stated benefits and planning obligations are not sufficiently certain nor deliverable for decision-makers to balance against the unacceptable elements of the development. They do not comply with basic strategic planning obligation policies including NPPF 176.

The applicant has not demonstrated that the scheme is deliverable. Critical barriers to the short term delivery of the scheme include multiple site ownership, lack of consent from necessary landowners, lack of necessary pre-application evaluation, and failure to provide certainty about necessary critical infrastructure such as drainage, flood protection, open space and facilities to make the scheme practical and avoid significant harm to the existing community.

As a result there is no reasonable prospect that the scheme and its infrastructure and mitigation is deliverable in a timely fashion and sustainable way to meet the overarching principles of the NPPF. The NPPF directs that development that is not sustainable should be refused.

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## Appendix 2

Ref	Type	Policy	Required	Detail	Quantum	Fixed contribution / Tariff	Officer agreed	Applicant agreed	Number Pooled obligations
<b>Cambridgeshire County Council</b>									
CCC1	Early years	DP/4	NO	No need identified by CCC to increase early years capacity					
CCC2	Primary School	DP/4	NO	No need identified by CCC to increase capacity at Linton CofE infant school or Linton Heights Junior school.					
CCC3	Secondary school	DP/4	NO	No need identified by CCC to increase capacity at Linton Village College					
CCC4	Libraries and lifelong learning	DP/4	YES	The contribution request is based on £42.12 per person (125 expected) and is to be used on the remodelling of and extra resources at Linton Library.	£5,265		YES	X	None to date
CCC5	Strategic waste	RECAP WMDG	NO	Pooling limit reached such that no further contributions may be secured					
CCC6	Transport	TR/3	NO	No need identified by CCC					
<b>South Cambridgeshire District Council</b>									
SCDC1	Offsite open space (sport)	SF/10	YES	<p>The recreation study of 2013 highlighted that Linton had a deficient level of sports space against South Cambs policies (i.e. the policy requires 7.22 hectares whereas the village only has 3.03 hectares). The study also said that there is a “need for an additional football pitch to meet local need and improved drainage at the existing facility. The cricket club also require an additional pitch to meet the demand for additional junior teams”. It also said the football pitches are prone to flooding. This study did not take into account the facilities at Linton Village College which, although at the current time may be available for public hire, are not guaranteed through a community access agreement.</p> <p>The development is circa 1.4km from the recreation ground thereby exceeding recommended walking distances for older children to access NEAP's and para 4.7</p>	£55,000 (circa)	Tariff	YES	X	None to date

				<p>of the open space in new developments SPD that says "All residential development should have good access to formal sports provision, ideally within 1,000m...".</p> <p>The contribution required as per the open space in new developments SPD would be:</p> <p>1 bed - £625.73                  2 bed - £817.17                  3 bed - £1,130.04                  4+ bed - £1,550.31</p> <p>Linton Parish Council have, however, expressed a concern that they will not be able to mitigate the impact of the development with this level of contribution on the grounds that no land owner will be prepared to sell for agricultural rates while the Council does not have a 5 year land supply.</p>					
SCDC2	Onsite open space (children's play)	SF/10	YES	The developer will be required to provide a locally equipped area for play in accordance with the open space in new developments SPD. This play area to be transferred to Linton Parish Council along with a commuted maintenance payment of £30,000.	£30,000	Fixed fee	YES	X	None to date
SCDC3	Offsite indoor community space	DP/4	YES	<p>The community facilities audit of 2009 highlighted that Linton had a deficient level of indoor community space against South Cambs policies (i.e. the policy requires 111m<sup>2</sup> per 1000 people therefore Linton requires 488m<sup>2</sup> of space, whereas the village only has 160m<sup>2</sup>). The study also highlighted that a number of improvements should be made to Linton Village Hall.</p> <p>Again Linton Parish Council highlight that the lack of existing infrastructure, combined with the insufficient level of developer contributions, does not</p>	£25,000 (circa)	Tariff	YES	X	None to date

			<p>generate the level of community facilities as required by the NPPF to provide a village that is sustainable for more growth.</p> <p>Linton is defined as a Minor Rural Centre in the Core Strategy and in accordance with the Community Facilities Audit 2009 the proposed standard for Minor Rural Centres is as follows:</p> <ul style="list-style-type: none"> <li>• Rural Centres should have at least one good sized facility which offers access to community groups at competitive rates.</li> <li>• The centre should feature one main hall space suitable for various uses, including casual sport and physical activity; theatrical rehearsals/performances and social functions. The facility should also offer at least one meeting room.</li> <li>• All facilities, including toilets, should be fully accessible, or retro-fitted to ensure compliance with Disability Discrimination Act legislation wherever possible.</li> <li>• Facilities should include a kitchen/catering area for the preparation of food and drink. The venue should have the capacity for Temporary Events for functions which serve alcohol.</li> <li>• Where practical and achievable, new build facilities should be delivered with appropriate energy-efficiency measures in place, although this should be undertaken with the balance of expenditure/saving in mind, given the likely hours of usage.</li> </ul>					
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				<ul style="list-style-type: none"> <li>Facilities should be designed to offer ease of management, as volunteers are likely to be primarily responsible for day to day upkeep.</li> </ul> <p>Linton Village Hall is run by a charity and is said to accommodate 170 seated, 200 standing. It holds entertainment licence but no alcohol licence, no public dances, disabled access and toilet, basic kitchen available but no food preparation allowed on the premises. Evening functions should end by 11.45pm (source Cambridgeshire.net website).</p> <p>As such Linton Village Hall is not considered to satisfy South Cambs indoor community facility standards from a quality perspective as well as quantity.</p> <p>If the application were to be approved then Linton Parish Council would look to build a multipurpose community centre with a focus aimed at young people and which will be available for hire by scouts, guides, brownies and other users. The Parish Council would need to identify other funding sources to achieve the delivery of this project.</p> <p>The contribution required as per the indoor community space policy would be:</p> <p>1 bed - £284.08                  2 bed - £371.00                  3 bed - £513.04                  4+ bed - £703.84</p>					
SCDC4	Household waste receptacles	RECAP WMDG	YES	£72.50 per dwelling	£3,625	Tariff	YES	X	
SCDC5	S106 monitoring		YES	A fee of £500 if the open space is transferred to Cottenham Parish Council or £2,900 if the open space is to be maintained by a management company.	£500 or £2,900	Fixed fee	YES	X	

Non standard requirements									
OTHER1	Health	DP/4	NO	NHS England have not sought contributions from this development					
OTHER2	Public Art	SF/6	YES	<p>In determining planning applications the District Council will encourage the provision or commissioning of publicly accessible art, craft and design works. The policy applies to residential developments comprising 10 or more dwellings.</p> <p>Linton Parish Council are keen to install one or more key landmark public art works comprising plaques, street furniture and sculptures at a central village location (at the corner of High Street and Cambridge Road). The works will draw inspiration from the history of Linton as a whole but also the history of the location of the new development which is understood to have significant archaeological interest.</p> <p>The Public Art SPD says that South Cambridgeshire Council will normally encourage developers to dedicate between 1% and 5% of the associated construction costs of the capital project to Public Art, however historically contributions have been in the region of £500 per dwelling. On this basis an offsite contribution of £25,000 is sought and which will be used to facilitate the provision of public art works at the development site and at a prominent location within the heart of the village.</p> <p>Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. One of these 12 principles are that planning should take account of and support local strategies to improve</p>	£25,000	Fixed fee	NO	X	None to date

			<p>health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs. The provision of public art within the village would be one way of achieving that core planning objective.</p> <p>District Officers have considered this request and although agree that there are merits in delivering these improvements, are unsure whether the first CIL test (i.e. necessity) is satisfied.</p> <p>This view is taken on the basis that this test relates to the obligation being necessary in planning terms i.e. in order to bring a development in line with the objectives of sustainable development as articulated through the relevant local, regional or national planning policies.</p> <p>In the case of public art the policy is to 'encourage'. Development control policies later say that public art will be sought through negotiation but it is not a mandatory requirement. On this basis if the applicant was minded to make a public art contribution it could not form a reason for granting planning permission.</p>					
<p><b>TOTAL - £118,500 (subject to final housing mix). Excludes public art contribution</b></p> <p><b>PER DWELLING - £2,370 (subject to final housing mix)</b></p>								



**FOR INTERNAL USE ONLY**

Scale - 1:2500

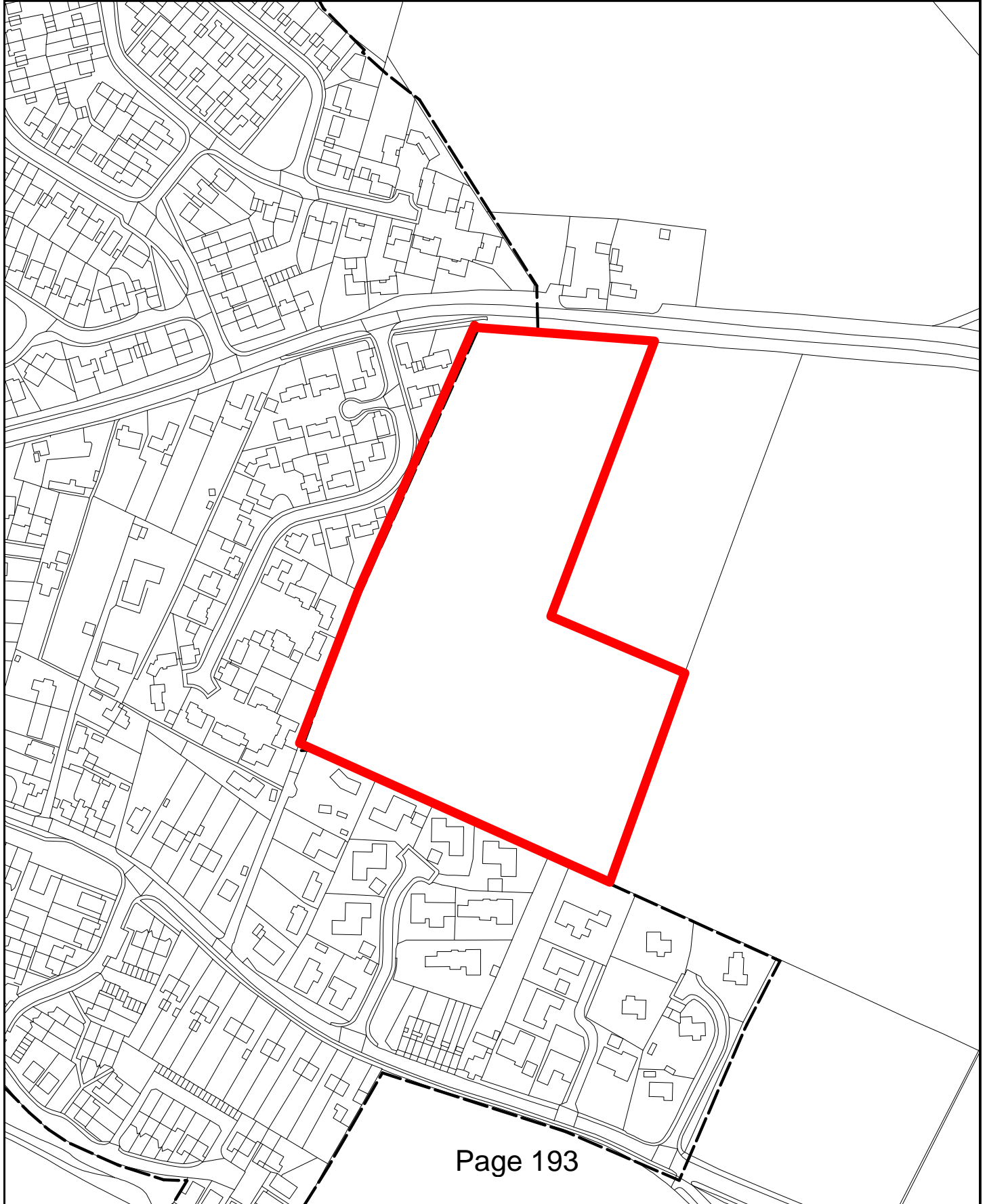
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District Council**

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# Agenda Item 9

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

11 May 2016

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

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<b>Application Number:</b>	S/2870/15/OL
<b>Parish(es):</b>	Over
<b>Proposal:</b>	Construction of up to 55 dwellings with associated access, infrastructure, and open space (All matters reserved apart from access).
<b>Site address:</b>	Land to the west of Mill Road, Over
<b>Applicant(s):</b>	Bloor Homes (Eastern) and Cambridgeshire County Council
<b>Recommendation:</b>	Refusal
<b>Key material considerations:</b>	The main issues are whether the proposed development would provide a suitable site for housing, having regard to housing land supply, the principles of sustainable development, scale of development and impact on townscape and landscape character, drainage issues, services and facilities, access and transport, heritage assets and ecology.
<b>Committee Site Visit:</b>	5 April 2016
<b>Departure Application:</b>	Yes
<b>Presenting Officer:</b>	Paul Sexton, Principal Planning Officer
<b>Application brought to Committee because:</b>	The application proposal raises considerations of wider than local interest.
<b>Date by which decision due:</b>	8 April 2016

### Executive Summary

1. This proposal, as amended, seeks outline permission (access only for approval) for a residential development of up to 55 dwellings outside the framework of a Group village and in the countryside on a greenfield site as identified in the adopted and emerging plans. The development would not normally be considered acceptable in principle when set against current adopted policy as a result of its scale and location. It is recognised 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 considered not up to date. The local planning authority must determine the appropriate weight to apply to relevant development plan policies even where out of

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. It is considered that Over is not a sustainable location for the scale of development proposed, having regard to the level of services and facilities in the village and the accessibility to necessary services and facilities by sustainable modes of transport. This is consistent with the conclusions of a Planning Inspector in dismissing an appeal in February 2013 for 26 dwellings on another site in Over.

2. In addition officers are of the view that the applicant has not adequately demonstrated that the site, which forms a gateway at the approach to Over from the East, is capable of accommodating up to 55 dwellings in a manner which is compatible with the current rural character of the site.
3. In this case, the location and scale of the development are such that officers are of the view that the harm resulting in terms of the unsustainable location and harm to the rural character of the area, significantly and demonstrably outweighs the benefits of the proposal. These include a contribution of up to 55 dwellings towards the required housing land supply, and provision of 40% affordable dwellings.

5. **Planning History**

On Friday 22 April 2016, officers received confirmation that the applicant has lodged an appeal against the Council's failure to determine this application. As such the Planning Committee cannot formally determine the application. It is, however, required to make a recommendation, to inform the Council's stance when the Secretary of State considers the appeal.

6. S/1556/88/O – Erection of new primary school – Approved
7. Although not for development on the same site, an appeal against the refusal of planning permission for the erection of 26 dwellings on a site at 7 Station Road, Over was dismissed in February 2013 (S/0440/12/FL). This appeal decision is a material consideration in the determination of the current application.
8. The Inspector accepted that the Council could not demonstrate that it had an up to date 5-year housing land supply, and that as a result Policies DP/7 (Development Frameworks) and ST/6 (Group Villages) should be considered out of date. He accepted that the appeal fell to be considered against the tests in paragraph 14 of the National Planning Policy Framework, specifically whether the site was in a sustainable location for the proposed housing, and, if not, whether any harm would significantly and demonstrably outweigh the benefits of the development.
9. He concluded that whilst Over was well served by local community and social facilities, it was deficient in three functions which were considered likely to generate regular journeys; there was no indication of significant sources of employment in the vicinity, there being an especially low ratio of local jobs to the working age population (Village Classification Report 2012); the nearest secondary school is Swavesey Village College, about 2.9km from the appeal site; and anything other than the most basic shopping trip could not be fulfilled locally. Journeys out of the village would be a regular necessity for the majority of residents.
10. The Inspector recognised that some of these journeys might be made by bicycle or bus, but noted that census (2001) figures indicated a preponderance of use of private

vehicles for work journeys. He noted that these figures pre-dated the Guided Bus, but stated that the stop was not especially convenient, being 1.5km from the appeal site. The frequency of the bus service restricted its usefulness.

11. He concluded that the site was not in a sustainable location for the scale of housing development, whether assessed in terms of the special strategy set out in the Core Strategy and the application of Policy ST/6, or on the basis of the particular circumstances of the village of Over and the level of facilities and accessibility. This lack of sustainability was considered both significant and demonstrable, and the harm arising from it equally so. The Inspector noted the clear objective in the NPPF to minimise the generation of greenhouse gases, to which private transport contributes, in order to diminish the effects of climate change. He stated that there was a need to actively manage patterns of growth to make the fullest possible use of alternative means of travel, which the development proposed would not achieve.

### **Planning Policies**

12. The following paragraphs are a list of documents and policies that may be relevant in the determination of this application. Consideration of whether any of these are considered out of date in light of the Council not currently being able to demonstrate that it has an up to date five year housing land supply, and the weight that might still be given to those policies, is addressed later in the report.
13. *National Planning Policy Framework  
Planning Practice Guidance*
14. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007*  
ST/2 Housing Provision  
ST/6 Group Villages
15. *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 Play space, 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

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

16. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*  
Open Space in New Developments SPD - Adopted January 2009  
Affordable Housing SPD - Adopted March 2010  
Trees & Development Sites SPD - Adopted January 2009  
Landscape in New Developments SPD - Adopted March 2010  
Biodiversity SPD - Adopted July 2009  
District Design Guide SPD - Adopted March 2010  
Health Impact Assessment – Adopted March 2011

17. *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

**Consultations**

18. Over Parish Council - Recommended refusal for the application as originally submitted for 58 dwellings.
- i. 'Viability – Within SCDC's Village Classification Report (June 2012) the villages around Cambridge are ranked according to their scores on a variety of sustainability factors relating to their services and facilities. Over, already placed in the lowest category of 'Group Village' comes equal bottom in the ranking table of 23 classified villages, scoring a grand total of 0 points. Indeed, Over fails to score a single point in every one of the assessed factors, indicating that it is one

of the least sustainable locations in the area for housing development.

- ii. Suitability – The site was considered during the preparation of the local plan and was considered unsuitable for residential development. The SCDC officers has this field in the original call for sites project looking for building land to go in the first draft of the new local plan. They argued to re-classify Over as a “guided busway village”, changing its status from a Group Village, however in view of the fact that the Planning Inspector for a recent development which had been granted stated that the guided busway had not been taken into account at arriving at his decision because it was too far away, the Council then voted to remove that field from the plan. The field was considered not to be suitable for development in a group village, and had not been brought forward in the emerging plan now out at consultation.
- iii. Surface water – This is also a problem as Dockerel Brook, running into Willingham Lode is over capacity and in need of maintenance.
- iv. Village framework – The site in question is outside the village development area.
- v. Village status – Over, as noted above, remains a Group Village, deemed unsuitable for developments of more than 8 houses (or 15 on a brownfield site).
- vi. Footpath – The proposal information accompanying the application notes that it is proposed that a 2m footpath be constructed to run around the perimeter of the development. However along the Willingham Road frontage the hedge currently overhangs the road in places so the proposed footpath is very unlikely to fit in the space available. The lack of a footpath to service such a development would make journeys on foot to and from the area very dangerous as Willingham Road is one of the main roads into and out of the village.
- vii. Amenity-Education – Planning Policy CH/6 draws attention to the effect on the amenity and function of the village. There would be a number of primary school aged children likely to inhabit such a development and the Primary School is currently full. There are currently two mobile classrooms in order to be able to accommodate the current anticipated pupils, the use of mobile classrooms is contrary to Government recommendations. We note that again the proposal information accompanying the application states that financial provision will be made to provide for the expansion of Swavesey Primary school, however this will result in children being needed to be driven to and from school in the neighbouring village. The area around Swavesey Primary School already suffers extreme congestion at school times and this will exacerbate this issue and compromise further the safety of both Swavesey residents and children attending the School here. The nearest secondary school is also located at Swavesey.
- viii. Amenity-Employment and shopping – As highlighted in the recent appeal decision, APP/W0530/A/12/2180704 in relation to an application for the erection of 26 dwellings on land at Station Road, the Planning Inspector stated that “there is little employment in the vicinity, there being an especially low ratio of local jobs to the working age population (village classification report 20120 and anything but the most basic shopping trip could not be fulfilled locally. Whilst the use of internet shopping is likely to be more popular in less accessible locations, the evidence falls short of proving that it plays a significant role in meeting local needs. Journeys out of the village would be a regular necessity for the majority of residents.” This view was echoed by the senior Planning Officer at the District

Council.

- ix. Our overall feeling is that this site is not a sustainable location for this scale of housing development on the basis of the level of facilities and accessibility within the village. There are also clear objectives which have been incorporated into legislation to minimise the generation of greenhouse gases, to which private transport contributes, in order to diminish the effects of climate change and actively manage patterns of development and growth to make the fullest possible use of alternative means of transport which this development would not achieve.'
19. In respect of the revised scheme for up to 55 dwellings the Parish Council comments:
20. 'This amendment does not address our previous concerns and, in addition, the "Illustrative Masterplan" (Design and Access Addendum, p12) no longer gives any indication of actual dwellings and plot sizes/shapes. Indeed it is very difficult to distinguish between housing blocks and garage blocks on the illustration. These subdivisions were marked on the original "Illustrative Site Layout", and were very helpful, but their omission now makes it impossible to verify the claim in para 2.13 that "the parking provision also adheres with the Council's requirements". It is little comfort to read that these details will be provided "at the relevant time within the reserved matters planning application". – if the applicant is so sure that they comply with the Council's requirements, why not show them now?
21. Considerable obfuscation is also apparent in the "Response to the Transport Statement" (para 3.2) when 2011 Census figures are used to highlight large percentages of people using buses (e.g. 64.6% going to Cambridge, 11.8% to Bar Hill), before adding in the following sentence that only 4.2% use the buses anyway. So these large percentages amount to only a tiny minority (just 2.7% and 0.5%) of travelling population – meaning that over 95% will travel by other means, presumably the large majority travelling by car. This reinforces our view that this development is undesirable on grounds of sustainability.'
22. Cambridgeshire County Council Highways Development Control – in respect of the scheme for up to 58 dwellings recommended refusal of the application in its current format as the site did not provide adequate connectivity for non-motorised traffic. The submitted drawing showed the width of the proposed pedestrian route to Willingham Road as 2m. This should be widened to at least 3m to adequately provide for primary non-motorised users. It should also be explicitly stated that the new footway extension will join the existing footway on the southern side of Willingham Road. This should be secured by condition.
23. Subject to the above no objection is raised. Conditions should also be included that require submission of a Traffic Management Plan, kerb radii to Mill Road, and the width of the pedestrian route to Willingham Road.
24. Cambridgeshire County Council Transport Assessment Team – lodged a holding objection and highlighted issues in the Transport Statement which needed to be addressed before the transport implications of the development can be fully assessed.
25. It required additional information in respect of local traffic patterns, accident records, bus usage, distance to bus stops, existing facilities at bus stops, suitability of route from site to guided busway (and mode of transport referred to), actual distances to local services, distribution and assignment of trips, footpath link south along Mill Road.

26. Following the receipt of additional information it accepts the updated Transport Statement in respect of local traffic patterns, highways safety, pedestrian and cycle network, local service and facilities, and traffic generation.
27. It comments that further details have been provided concerning the location of bus stops in relation to the site, and the number of local people who travel by bus to work.
28. It is understood that there is no marked bus stop in the vicinity of the site for the northbound direction, and it requires that a bus stop be formalised at this location with flag, pole, hardstanding and, subject to agreement with the Parish Council for ongoing maintenance, a shelter. These works should be implemented by the applicant through a S278 agreement.
29. Bus shelters should be provided by the applicant at both the northbound and southbound stops, subject to agreement with the Parish Council. The bus stops should be conditioned with a commuted sum secured through the S106 to the Parish Council for ongoing maintenance for the amount of £7,000 per stop.
30. A Travel Plan should be secured by condition.
31. Footpaths connecting the site to existing footpaths on Mill Road and Willingham Road should be provided by the applicant prior to occupation. This can be secured by condition.
32. SCDC Urban Design – In respect of the scheme for up to 58 dwellings commented that the site is currently an arable field with a field access at the south east corner of the site, and a substantial hedgerow along the northern and eastern boundaries.
33. Although an outline application, the information submitted did not offer sufficient comfort that this density/number of dwellings could be accommodated within this site whilst complying with the standards set out in the District Design Guide SPD, and therefore an objection is raised. The following comments were provided.
34. The units along the southern edge of the site appear very close to the site boundary. The existing houses along Cox's End are close to their boundary, and development such as that suggested would negatively impact the neighbouring houses, and not meet the minimum separation distances required.
35. Several of the proposed units are too close to each other which will cause overlooking issues, and several plots appear not to meet the suggested 15m distance to boundary guide. The Design and Access Statement mentions possibility of houses incorporating more open aspect with elevations set back behind more traditional front gardens, but it is unlikely that this will be achievable with this number of units.
36. The site forms a gateway at the approach to Over from the East. There is a fairly substantial hedgerow at this corner, but the development has been set back from this prominent corner which is appropriate given the open landscape character of the land to the east. However, this corner is not considered to be the correct location for a LEAP. It is not well integrated into the development, and the very poor arrangement of parking between the houses with trees between parking spaces will limit the opportunities for natural surveillance as well as providing an unattractive edge to the open space. The crescent shape of the development is not appropriate and will appear very alien within Over, at this exposed edge of village location. The LEAP should be relocated within a more central location and could help improve the "node" at the centre of the development, which has the potential to be a very unattractive and

hard space, full of parking. The relocation of this LEAP would put further pressure on the housing numbers.

37. There is already a pedestrian desire line through the site between the south east and north west corners and no footpath along the road edge, so a pedestrian route through this site is essential to allow residents to access the village amenities. This would also increase connectivity.
38. Although the suggested density is policy compliant, this is a sensitive village location, which requires meaningful space for landscaping, and should not compromise the amenity of the existing neighbouring houses, or the character of Over. This will require a lower density, and therefore the number of units needs to be reduced.
39. In respect of the revised scheme for up to 55 dwellings the Urban Design comments that although the reduction is welcome the layout still does not represent a robust design that clearly demonstrates that 55 units can be accommodated on this site, and therefore the objection remains.
40. It is not clear how the 55 units are set out within the site, as there is no demarcation of plots or houses, and there appears to be several instances where the sides of houses are closer to the backs of others than the required minimum distance of 12m, and the required back to back separation distances of the new houses appears also not to have been met although there is no scale provided on the drawings so this is assumed.
41. The properties along the southern and eastern boundary appear to be sufficiently set back from the existing houses.
42. The LEAP has been moved, and the development has been pushed hard up the north east corner of the site. The previous comments supported the original set back of the housing, so the location of built form so close to the hedgerow is disappointing, especially as the very corner house is at an obscure angle that does not relate well to the existing character of Over, and will therefore provide a poor entrance to the village. The corner unit does not appear to have any meaningful garden space that would meet the District Design Guide, though insufficient detail is provided.
43. The LEAP is not particularly well overlooked, but the removal of the parking around the edge of the space is welcomed.
44. The provision of a set-back frontage to Willingham Road is supported.
45. Insufficient detail has been provided to convince that the suggested quantum of development could be successfully accommodated on this site, and therefore the objection remains.
46. SCDC Landscape Officer – has no objection and welcomes the positive landscape features that the applicant has indicated within the outline plan. These include new dwellings being set back from the retained and protected boundary hedgerow; the development is located on the high ground of the Fen Islands, avoiding incremental development on the flat, low-lying fen; the development is on the edge of Over and integrated by the existing thick hedgerows; the existing boundary hedgerows are conserved, an important landscape feature; the inclusion of a pond for biodiversity.
47. Additional landscape opportunities and design guides are outlined for consideration in any detailed scheme. Conditions requested include a full landscape scheme, and the



retention and protection of the existing boundary hedgerow inclusive of height and width.

48. SCDC Ecology Officer - has no objection. The application is supported by an ecological assessment which does not identify any significant constraints to development.
49. Conditions should be used to secure the control of vegetation removal during the bird breeding season; repeat badger survey within 30 days of commencement of development; new boundary planning to include fruit bearing shrubs so as to provide foraging for badgers, and a scheme for ecological enhancement that accords with the recommendations in the Extended Phase 1 Habitat Survey Report.
50. SCDC Trees Officer – The vast majority of the area is devoid of trees. There are some hedgerows around the site, and a small number of hedgerows within the site but they are weak and lack continuity. Despite this, it is desirable to at least retain some of the hedgerows at the perimeter. Occasional trees are dotted about within hedgerows, but on a site of this scale it is difficult to justify making robust provision for the protection of sporadic trees, which are likely to be of poor to moderate quality.
51. As a long-term aim this represents an opportunity for substantial enhancement of green infrastructure and open space in the form of strategic landscaping to include a considerable component of trees which grow to a large size at majority.
52. Provision needs to be made for conditions to ensure that reserved matters applications come forward with protection for retained hedgerows in the appropriate phasing.
53. Cambridgeshire County Council - Education

*Early Years need:*

54. The development is expected to generate a net increase of 14 early years aged children, for which Section 106 contributions would be sought for 8 children. In terms of early year capacity County education officers have confirmed that there is sufficient capacity in the area for the next 3 years to accommodate the places being generated by this development.
55. Therefore no contribution is sought for early years.

*Primary need*

56. The development is expected to generate around 11 primary education aged children. The development lies within the catchment area of Over Primary School, where it is confirmed that there is sufficient capacity in the next 5 years to accommodate the places generated by this development.
57. Therefore no contribution is sought for primary education.

*Secondary need*

58. The development is expected to generate a net increase of 6 secondary education aged children. The catchment school is Swavesey Village College. County education officers have confirmed that at present there is insufficient capacity at the Village College to accommodate the secondary places generated by this development.

59. The project that has been identified to accommodate this additional demand is to increase the capacity of Swavesey Village College from 8FE to 9FE, providing space for an additional 150 pupils. This work is costed at £2,650,000. Contributions are sought on the basis of £17,667 per place (£2,650,000/150).
60. Therefore a contribution of £106,002 is sought towards secondary education. It confirms that there have not currently been 5 or more pooled contributions towards this project.

#### *Libraries and Lifelong Learning*

61. The village is currently served by two mobile stops. County Council officers have confirmed that the 132 new residents arising from this development (2.27 average household size x 58 new dwellings) can be served adequately by the existing library provision.
62. Therefore no contribution is sought for libraries and lifelong learning.

#### *Strategic Waste*

63. This development is within the Bluntisham HRC catchment area for which Section 106 contributions are not currently sought.

Cambridgeshire Archaeology – comments that the site is located in an area of high archaeological potential, situated within the medieval village of Over. Within the site is a post-medieval mill, and archaeological investigations 160m to the west of the site have revealed evidence of medieval and post-medieval occupation. In addition, to the south east is a cropmark enclosure. It is likely that this relates to the extensive prehistoric and Roman landscape evident in cropmarks to the north and the west of the modern village and includes ring ditches, trackways and enclosures.

64. It is therefore recommended that the site is subject to an archaeological evaluation to be carried out prior to the granting of planning permission. The results should allow for fuller consideration of the presence/absence, nature, extent, quality and survival of archaeological remains in the development area. An informed judgement can then be made as to whether any planning consent will need to include provisions for the recording and, more importantly, the preservation of important archaeological remains *in situ*.
65. Cambridgeshire County Council - Flood and Water – comments that the applicant has demonstrated that surface water can be dealt with on site by using a combination of permeable paving, underground storage and an attenuation pond. Post development runoff will be restricted to a rate of 4.1 l/s in up to the 1 in 100 annual probability (plus a 30% allowance for climate change) critical storm event.
66. The applicant is considered to have met the minimum requirements of the NPPF and therefore there is no objection in principle provided conditions are imposed in respect of the detailed design, implementation, maintenance and management of a surface water drainage scheme.
67. Environment Agency – No objection to the proposed development in isolation. However, connection of foul drainage into the recipient Water Recycling Centre (WRC) may prejudice other allocated development sites which have been identified for connection into the WRC.

68. Anglian Water Services Ltd should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution or flooding. If there is not capacity in the sewerage system, the Agency must be reconsulted with alternative methods of disposal.
69. Standard informatives are provided in respect of surface water drainage, potential ground contamination, and pollution prevention.
70. Anglian Water – states that the foul drainage from this development is in the catchment area of Over Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows.
71. SCDC – Drainage Manager - Lodges a holding objection on the grounds that the illustrative layout plan does not show an undeveloped minimum 5m maintenance strip on the west boundary for the Award drain. The strip shown appears to be in the rear gardens. An approximate sum of £25,000 is sought as a maintenance contribution towards future works to the award drain.
72. There is no objection in principle of surface water drainage grounds as the design proposes improvements to the local award drain system, and is likely to reduce the risk of flooding.
73. Anglian Water – states that the foul drainage from this development is in the catchment area of Over Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows.
74. Environmental Health (Contaminated Land Officer) – has no objection in respect of air quality and does not consider it necessary to require any further air quality impact assessment thorough planning conditions.
75. As this is a large development, for the purposes of ensuring that people in the vicinity of the development are not affected by the negative impact of construction work, as well as ensuring that the applicant complies with the Council's Low Emission Strategy, conditions are recommended. These relate to the submission of a Construction Waste Management Plan and Electric Vehicle Charging points.
76. Environmental Health Officer – states that on balance there is no objection in principle so long as the following issues are considered and effectively controlled by condition: Noise/Vibration and Dust during the construction phase; Off site traffic noise generation; Artificial lighting; Control of any noise generated by potential renewable energy technologies employed.
77. Environmental Health (Public Health Specialist) – states that the submitted Health Impact Assessment (HIA) has been assessed as Grade B, which meets the required standard of the HIA SPD.
78. NHS England – states that the development is likely to have an impact on the services of 1 GP Practice within the locality, Over Surgery. This GP practice does not have capacity for the additional growth as a result of this development. Therefore a Healthcare Impact Assessment has been prepared to provide the basis for a developer contribution towards capital funding to increase capacity within the GP catchment area.

79. The development would give rise to the need for improvements by way of extension, refurbishment or reconfiguration at the existing practice, a proportion of which would be met by the developer.
80. In this case a contribution of £16,800 to mitigate the capital cost to NHS for the provision of additional healthcare services is sought, to be secured through a planning obligation. The sum should be payable before the development is first occupied/
81. Housing Development Officer – supports the application as it will provide much needed affordable housing in the village of Over, and go toward meeting some of the housing need in South Cambs.
82. If the site is not treated as an exception site for 100% affordable housing, it should provide 40% affordable housing. The application accords with this. There are currently around 1,700 applicants registered on the home link housing register in South Cambridgeshire who are in need of good quality affordable housing. Of these applicants 38 applicants have a local connection to the village of Over. There is little doubt of the great need for affordable housing both in Over and the whole of South Cambs.
83. There is a high demand for both 1 and 2 bedroom properties in South Cambs. The applicant has proposed a mix which is accordance which is reflective of the need both in Over and the rest of South Cambs. The district wide tenure split for developments in South Cambs is 70/30 in favour of rented.
84. Therefore the mix and tenure for this scheme should be: rented 6 x 1-bed flats, 9 x 2-bed houses, 1 x 3-bed house; and shared ownership 6 x 2-bed houses, 1 x 3-bed house.
85. A registered provider should be appointed to take forward the affordable housing. The applicant has indicated in the design and access statement about the possibility of gifting the affordable housing to the council and has indicated that further discussions would be required to establish the basis on which this could be an option.
86. Properties should be built in accordance with the DCLG National Technical Housing Standards. Properties should be available to all applicants who have a local connection to South Cambs.

#### Representations

87. 14 letters have been received from the occupiers of 24, 28, 30, 32, 34, 63 and 83 Cox's End, 35, 63 and 83 Mill Road, 4 Pippin Close and 18, 33 and 63 Willingham Road objecting/commenting in respect of the application as originally submitted:
  - i. Site is outside the village framework.
  - ii. Over is classified as a Group Village and does not have the infrastructure to support a development like this, and is therefore not a sustainable location for this scale of building. This view was supported by a Planning Inspector in 2013. There is little employment in the village.
  - iii. The school is full, with some classes over size and mixed year classes. There is not space for quality expansion.
  - iv. The Doctors Surgery is fully subscribed, with currently a 2-week wait for an appointment.
  - v. Will add traffic to narrow roads. Access should not be from Mill Road. Impact

- on safety of access to existing properties. Lack of visibility on Willingham Road. Access should not be close to junction.
- vi. Needs to be proper footpath completed on Mill Road down to King Street, and ideally a cycle path, to form a route to the busway. Doubt as to whether the 2m footpath around the perimeter of the development will fit in the space available.
  - vii. Transport Assessment is unrealistic, being based on travelling times outside of those within which many people will leave the village for work and return to it.
  - viii. Will create an uneven density of housing towards the eastern end of the village, detracting from quality of village life.
  - ix. Density (37.5 dwellings per hectare) too high given edge of village setting. 2.5 or 3-storey houses will create an urban feel.
  - x. Concern regarding change of ownership of existing water course running north-south along the western boundary of the site, and that neglect might lead to increased risk of flooding.
  - xi. Concern about additional surface water run-off, and impact on Dockerill Brook.
  - xii. Little attention to protection of privacy to adjoining dwellings in Cox's End and Pippin Close due to proximity of proposed dwellings and parking areas. Does not conform to Design Guide criteria. Doubts as to whether the number of dwellings proposed can be properly accommodated.
  - xiii. Loss of peace and quiet, sunlight and overshadowing of adjoining properties.
  - xiv. Impact on existing wildlife. There are bats in the orchard to the left of Pippin Close.
  - xv. There is enough local development at Northstowe, without speculative schemes such as this.
  - xvi. Concern about removal of hedge within grounds of 83 Mill Road.
  - xvii. Concern that new planting shown will overshadow existing properties.
  - xviii. Validity of applicant's Statement of Community Involvement document is questioned.

88. In respect of the amended scheme comments have been received from the occupiers of 24, 32 Cox's End, 4 Pippin Close and 5 Randall's Lane stating that the revised scheme does not address previous concerns.

#### Site and Proposal

89. The site comprises 1.59ha of paddock land on the north east side of Over, south of Willingham Road and west of Mill Road. To the south and west the site adjoins existing residential properties in Cox's End and Pippin Close. There is also residential development on the north side of Willingham Road, opposite the site. To the east of Mill Road is open countryside.
90. There are existing hedgerows and trees on all boundaries of the site, with an award ditch along the west boundary. There is an existing field access to the site from Mill Road in the south east corner.
91. As amended, the outline application, with all matters reserved with the exception of access, proposes development of the site by up to 55 dwellings with associated access, infrastructure and open space. Vehicular access is from Mill Road by upgrading the existing field entrance. Approval of access is sought in this outline application. The application proposes 40% affordable housing (22 dwellings), and an area of open space adjacent the north boundary of the site.
92. The application includes an illustrative masterplan and is accompanied by a Planning Statement, Design and Access Statement, Landscape and Visual Assessment, Transport Assessment, Travel Plan, Sustainability Assessment, Ecological Report,

Arboricultural Report, Phase 1 Site Investigation Report, Flood Risk Assessment, Statement of Community Involvement, and Archaeological Desk Based Assessment.

## Planning Assessment

### *Housing Land Supply*

93. 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.
94. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 3.9 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 2015). 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.
95. 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 to '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.
96. In the case of this application policies which must be considered as potentially influencing the supply of housing land include ST/2 and ST/6 of the adopted Core Strategy and adopted policies DP/7 and NE/17 of the adopted Development Control Policies. Policies S/7, S/8, S/10 and NH/3 of the draft Local Plan are also material considerations but are also considered to be relevant (draft) policies for the supply of housing.
97. 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 for instance).

### *Principle of development*

98. The site is located outside the Over village framework, although adjacent to it on its north, west and south boundaries, 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 55 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.

99. It falls to the Council as decision maker to assess the weight that should be given to the existing policies. The Council considers this assessment should, in the present application, have regard to whether the policies continue to perform a material planning objective and whether it is consistent with the policies of the NPPF. Over is identified as a Group Village under Policy ST/6 of the LDF and Policy S/8 of the Draft Local Plan. These are the third of four categories of rural settlement and are less sustainable settlements than Rural Centres and Minor Rural Centres, having fewer services and facilities and allowing only some of the day-to-day needs of residents to be met without the need to travel outside the village. As noted under paragraph 129 Over has only relatively limited facilities and services, with no secondary school, and limited easily accessible public transport services.
100. 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. 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. In this case the proposal to develop a scheme for up to 55 dwellings is not considered sustainable due to the relatively low level of services and facilities in the village (see paras 128 – 133), and as recognised in the 2013 appeal decision. Therefore existing Policies ST/6 and DP/7 which form part of a suite of policies to control the distribution and scale of new housing can be afforded considerable weight since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. When set against the NPPF the proposal also therefore fails as it cannot be considered to be a sustainable location capable of supporting a development of this size. These facts therefore outweigh the need for additional housing land in this instance.
101. The Local Plan Village Classification Report June 2012, informed by the Village Services and Facilities Study, reviewed the settlement hierarchy in the adopted Core Strategy 2007, and as part of this considered where individual villages should sit within the hierarchy. The NPPF requires that 'planning policies and decisions should actively manage patterns of growth to make fullest use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.'
102. The village of Over scored poorly when assessed against the criteria used in the Report. These were public transport, secondary education, village services and facilities, and employment. The Report commented that Over had very little retail, and no supermarket. It had a doctors surgery, but no secondary school, and a limited range of facilities with no post office (the village does now benefit from a mobile post office.) The Report stated that Over did not merit consideration for a higher status within the settlement hierarchy.
103. As part of the assessment the impact of the Guided Busway was also considered. However, in respect of Over it concluded that it was not located within easy walking distance for much or all of the village, although would be within cycling distance. Given that Over did not perform well in terms of the level of services and facilities it

was not considered to warrant a higher status despite being relatively close to the Guided Busway.

104. Over Parish Council comments on the site not being considered appropriate for development during the draft Local Plan process. The field was received during the call for sites and tested in the SHLAA, which concluded that it had limited development potential (an amber score) but it was not an option for consultation at the Issues and Options stage.

*Deliverability*

105. There are no known technical constraints to the site's delivery. Officers are therefore of the view 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.

*Sustainability of development*

106. 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.
107. Policy DP/1 of the adopted Local Development Framework and Policy S/3 of the Draft Local Plan set out the principle of sustainable development. Although in respect of DP/1 1a. the policy relates to the supply of housing, in that it refers to the sequential approach to development, and therefore in this respect can be considered out of date, the remainder of the objectives of the policy are consistent with the aims of the NPPF in promoting sustainable development. Officers are therefore of the view that this policy can be given significant weight in the determination of this application.
108. Economic.
109. The provision of 55 new dwellings will give rise to employment during the construction phase of the development, and has the potential to result in an increase in the use of local services and facilities, both of which will be of benefit to the local economy.
110. Social.

*Provision of new housing*

111. The development would provide a clear benefit in helping to meet the current housing shortfall in South Cambridgeshire through delivering up to 55 residential dwellings. 40% of these units will be affordable (22 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 55 houses, including the affordable dwellings, is a benefit and significant weight should be attributed this in the decision making process.
112. Public open space is shown on the indicative layout plan, and this will need to be secured through a Section 106 agreement, along with off-site and maintenance contributions where appropriate. It will be mainly utilised by occupiers of the proposed development, and is not likely to become used by the wider population of the village, given its location at the edge of the village.
113. 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 Urban Design Officer has expressed concerns about the proposed development of the site for 58 dwellings, in terms of the resultant form of development. Comments on the revised illustrative layout for 55 dwellings will be reported.

114. The matter of the sustainability of the site in terms of access to local services is discussed further below.
115. Environmental.

*Impact on character of the village and landscape*

116. The application proposes new housing at a density of approximately 35 dwellings per hectare (dph). Policy HG/1 requires new developments to make best use of the site by achieving average net densities of at least 30 dph unless there are exceptional local circumstances that require a different treatment. Policy H/7 of the Draft Local Plan confirms that density requirement, but states that it may vary on a site where justified by the character of the locality, the scale of the development or other local circumstances.
117. Both Policy HG/1 and H/7 are considered to be policies that relate to the supply of housing, and are therefore to be considered as being out of date. However, one the aims of the policy is to the need to respond to local character, which is supported by the aims of the NPPF as identified below, and Policies DP/2 and DP/3 of the adopted LDF. Policies DP/2 and DP/3 are not considered to be housing supply policies and are not therefore considered to be out of date. Officers are of the view that considerable weight can therefore be given to Policy HG/1 and H/7 where the proposed density of a particular development compromises local character and the aims of paragraph 58 of the NPPF which states that it should be ensured that developments respond to local character, and history, and reflect the identity of local surroundings and materials.
118. 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.
119. 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.
120. The site is sensitively located on the edge of Over, but benefits from existing screening on all boundaries. However it does form a gateway to Over when approaching from the east, and its current undeveloped form means it reads more as part of the countryside than the built up area of the village.
121. The Urban Design Team, whilst accepting that layout is a reserved matter, objected to the illustrative layout plan for up to 58 dwellings as originally proposed, as it did not demonstrate that the site could accommodate that number of dwellings in a manner which would produce an appropriate form of development for this site.
122. It was suggested that the open space was located more centrally within the site, with improved natural surveillance. The approach of setting development back from the prominent north east corner was supported.
123. The amended illustrative layout for 55 dwellings shows the proposed area of open space adjacent the north boundary of the site, and built development close to the

prominent north east corner. The area of open space has not been located more centrally within the development as suggested, with natural surveillance remaining limited. Development close to the north east corner, as now shown, will detract from the rural edge to the village, and compromise retention of the boundary planting, which is a significant visual feature of the site.

124. The Urban Design Team continue to object to the application and officers are of the view that the illustrative scheme does not demonstrate that the site is capable of providing the proposed number of dwellings, having regard to the constraints of the site, and in manner which would not materially detract from the rural character of the area setting of the village, contrary to the aims of Policies DP/2 and DP/3.

#### *Residential amenity*

125. 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.
126. As originally submitted for up to 58 dwellings, the illustrative layout plan did not comply in a number of areas with the minimum back to back distances, and distance to rear garden boundaries, specified in the District Design Guide SPD. The submitted drawing therefore did not demonstrate that the site could accommodate the amount of development proposed without having an unreasonable impact on residential amenity through overlooking or overbearing impact.
127. The revised illustrative layout for up to 55 dwellings shows a layout which is compliant with the minimum separation distances in the Design Guide in regards to the relation to existing adjoining properties, however the lack of detail on the drawing in relation to boundaries of properties within the site itself does not allow officers to confirm whether or not District Design Standards can be satisfactorily achieved within the site.
128. Given the concerns expressed in paras 120-124 above officers are of the view that the applicant has not adequately demonstrated that the site can accommodate a development of up to 55 dwellings.
129. The development of the site for residential purposes will result in the loss of outlook for some existing properties, and will significantly alter the current quiet and tranquil nature of the site. However, this in itself would not be a reason to object to the application.

#### *Services and Facilities*

130. 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.
131. Over village is served by relatively few services and facilities but includes a Primary School, Public House, Church, Village Hall, shop, mobile post office (4 mornings a week), hairdressers and some formal sporting facilities, along with an extensive area of public open space. However, residents are required to commute outside the village to access many day-to-day services. There are very limited employment opportunities within the village.

132. This relative lack of services and employment opportunities is reflected in Over being designed a 'Group Village' in 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.
133. In dismissing the appeal for 26 dwellings in the village the Inspector in 2013 identified 3 key areas where he considered Over to be deficient in terms of meeting the requirements for a sustainable location. These are outlined in paragraphs 7-9 above, and are not rehearsed here. Whilst the appeal decision pre-dated the Waterbeach decisions referred to in paragraph 77 above, the Inspector considered the appeal under paragraph 14 of the NPPF, and concluded that the resultant harm significantly and demonstrably outweighed the benefits of the development proposed. Officers are of the view that there has been no material change in circumstance within Over to warrant coming to a different conclusion in terms of the sustainability of the location for the scale of development proposed.
134. The current application site is located approximately 3.5km from Swavesey Village College and 2.5km from the Guided busway stop, which links Cambridge to St Ives and Huntingdon. The Primary School is 530m from the site.
135. There is a bus stop on Mill Road, opposite the junction with Cox's End. The Citi 5 service runs between Cambridge and Swavesey, with 6 buses a day each way Mondays to Saturdays on a 2-hourly basis (no Sunday service), with stops including Bar Hill, Longstanton and Willingham, which would provide access to services in those villages. The No.95 bus which provides one bus each way during term time to Hills Road Sixth Form College in Cambridge, and the No.96 provides the same service to Swavesey Village College. The No.5 bus runs once a day on Mondays and Fridays only between Over and St Ives.

#### *Access and Transport*

136. The additional information requested by the Transport Assessment Team in respect of local traffic patterns, accident records, bus usage, distance to bus stops, existing facilities at bus stops, suitability of route from site to guided busway (and mode of transport referred to), actual distances to local services, and distribution and assignment of trips, has been provided by the applicant, and is currently being assessed by the County Council.
137. The details of access to Mill Road have been accepted in principle, however these are subject to the wider assessment of access and transport under the preceding paragraph. Officers are of the view that it is unlikely that an objection will be raised to the proposed level of development in principle, however issues such as improvements to existing footpaths, bus stops etc need to be considered. It is likely that the County Council will request financial contributions towards improvements to local transport facilities, and officers will have to consider these to ensure that they are CIL compliant.
138. A footpath should be provided from the proposed access southwards to join up with the existing footpath which currently ends just north of Cox's End, and west along Willingham Road from any footpath entrance to link with the existing footpath. This can be secured by condition.

#### *Surface water drainage*

139. 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.
140. The Council's Drainage Manager accepts that the application demonstrates that surface water from the proposed development can be dealt with, and that the scheme may bring forward improvements to the local award drain system.
141. Officers have asked the Drainage Manager to provide details in respect of the requested maintenance contribution towards future works to the award drain to ensure it is CIL compliant.

#### *Foul water drainage*

142. Anglian Water has stated that there is currently capacity to deal with foul drainage flows from the development. Although the Environment Agency has raised the issue of the capacity of the Water Recycling Centre to deal with this development, and other allocated sites which have been identified for connection to it, this application falls to be determined on its merits, and Anglian Water has not objected to the application.

#### *Heritage Assets*

143. The archaeological investigation of the site, requested by the County Council, has been undertaken, and the results submitted for further consideration. The further comments of Cambridgeshire Archaeology will be reported, but the applicant indicates that there were no significant findings, although the evaluation confirmed the presence of an historically documented windmill on the east boundary.

#### *Ecology*

144. The application is accompanied by an Ecological Report. The Ecology Officer has raised no objection, subject to safeguarding conditions and the submission of an ecological enhancement scheme.

#### *Renewable Energy*

145. 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.
146. 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.
147. The applicant indicates that the detailed scheme will comply with national housing standards in respect of water conservation.

#### *Protecting High Quality Agricultural Land*

148. The site is classified as Grade 2 agricultural land. Policy NE/17 states that planning

permission should not be granted or development that would result in its irreversible loss, unless the land is allocated for development, or sustainability considerations and the need for development are sufficient to override the need to protect the agricultural value of the land.

149. Policy NE/17 is considered to be a policy that restricts the supply of housing, and is therefore considered out of date. Officers are of the view that due to the limited size of the site, which does not form part of a larger area of agricultural land, means that the loss for agricultural use is not significant, and there very little weight can be given to Policy NE/17 in this case.

#### *Planning Obligations*

150. 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.
151. The Council can confirm that there have been 5 Section 106 agreements in respect of developments in the village of Over 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 further tariff style contributions towards unidentified offsite open space improvements in accordance with development control policies and the open space in new development SPD.
152. 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.
153. Appendix 1 provides details of the developer contribution required to make the development acceptable in planning terms in accordance with Policy DP/4 of the LDF and paragraph 204 of the NPPF.

#### *Conclusion*

154. 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:
155. ST/6: Group Villages – indicative maximum scheme size of 8 dwellings  
DP/1 – Sustainable Development  
DP/7: Village Frameworks  
HG/1: Density  
HG/2: Housing Mix  
NE/1: Biodiversity  
NE/17: Protecting High Quality Agricultural Land

## CH/2: Archaeological Sites

156. 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.
157. For the reasons outlined in paragraphs 100 and 116 above, officers are of the view that significant weight can be given to Policies ST/6, DP/7 and HG/1 in this case. Officers have identified in the report the areas where they consider that significant and demonstrable harm will result from proposal, in terms of the unsustainable location for a development of the scale proposed, and impact on the rural character of the village. Officers have based the first part of this conclusion on the specific circumstances of Over, taking into account that Over is not considered a sustainable location for development of this scale as outlined in the planning assessment, and having considered the 2013 appeal decision for 26 dwellings on another site, where the Inspector came to that view, as outlined in paragraphs 7-11 above.
158. The applicant has submitted appeal decisions from other areas, and refers to officer reports for other sites in South Cambridgeshire, where the same degree of concern has not been expressed as to the sustainability of development in Group Villages. The view is also expressed that Government advice since the previous Over appeal decision places increase weight on the demand for housing. However, officers have considered this application on its merits, having regard to 2013 appeal decision, which concluded that Over was not a sustainable location for a development of this scale, the aims of the NPPF, and the recent Court of Appeal decision in respect to the weight that can be given to housing land supply policies where they are considered to be out of date.
159. Officers are of the view that there has been no material change in circumstances as they relate to the village of Over to warrant coming to a different view from that of the Inspector in 2013. In coming to this view officers have had regard to the recent Court of Appeal decision in assessing the weight that can be given to housing supply policies that are out of date.
160. These adverse impacts must be weighed against the potential benefits of the development outlined in the preceding section of this report.
161. 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. Although the development would provide a larger number of dwellings to meet the identified shortfall in supply, than the scheme dismissed at appeal in 2013, this increase would equally compound the concerns that Over is not a sustainable location for the scale of development proposed.
162. 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. Officers have outlined in paragraphs 100 and 116 why Policies ST/6, DP/7 and HG/1 should still be given significant weight in this case.

### Recommendation

163. Officers recommend that had the Planning Committee still had powers to formally determine the application that it should have been refused for the following reasons.
  1. Over is identified as a Group Village in the Adopted Core Strategy DPD 2007,

where Policy ST/6 states that development is normally restricted to groups of a maximum scheme size of 8 dwellings within the village framework. The proposed site is outside the village framework of Over where DP/7 of the adopted Development Control Policies DPD development restricts development to uses which need to be located in the countryside. The Council recognises that the aforementioned policies are currently considered out of date, and that the application therefore needs to be determined in accordance with paragraph 14 of the National Planning Policy Framework, with the presumption in favour of sustainable development, unless the development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, the Council is of the view that considerable weight can be given to Policies ST/6 as it continues to fulfil a planning objective in 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. Some weight can also be given to Policy DP/7 as it continues to fulfil a planning objective of limiting development, and is also consistent with the NPPF presumption in favour of sustainable development. The Council also recognises that Policy DP/1 is out of date in so far as DP/1 1a. relates to the supply of housing, however in all other respects the Council is of the view that Policy DP/1 is consistent with the aims of the NPPF in respect of the presumption in favour of sustainable development, and therefore significant weight can be given to Policy DP/1 as it continues to fulfil a planning objective consistent with the NPPF.

In this case the scale of the development proposed is not considered to represent a sustainable form of development as Over has been identified as not being a sustainable location for the scale of development proposed. Although some local community and social facilities are available, the services in Over has been found deficient in three areas, which are likely to generate regular journeys, which are not likely to be made other than by the private car. These are the lack of significant sources of employment in the vicinity, the nearest secondary school being Swavesey Village College, and that anything other than the most basic shopping trip not being able to be fulfilled other than by use of the private car. On this basis the proposal is considered to materially and demonstrably conflict with the aims of the NPPF as it fails to meet the environmental role of sustainable development and Policies DP/1, DP/7 and ST/6 of the adopted Local Development Framework 2007, which are all policies which are considered to fulfil a planning objective in terms of securing development is located sustainably. Any benefits arising from the development are considered to be significantly and demonstrably outweighed by the identified harm.

2. The site is located in the countryside and forms a gateway to the village from the east. In its current form the site contributes to the rural character of the village providing a transition from the more open countryside to the west and the built-up form of the village to the west and south. The outline application seeks development of the site for up to 55 dwellings, with all matters reserved apart from access. The Local Planning Authority is of the view that it has not been adequately demonstrated that the site can accommodate the quantum of development proposed, without materially detracting from the current rural character of the site, and setting of the village, whilst achieving the minimum separation distances between dwellings sought by the District Design Guide SPD. For that reason the proposal is contrary to the aims of Policies DP/2 and DP/3 of the adopted Local Development Framework and the District Design

Guide SPD, which seek to ensure that new development preserves or enhances the character of the local area, and does not have an adverse impact on village character, and to protect residential amenity.

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/2870/15/0L and S/0440/12/FL

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# Appendix 1

Ref	Type	Policy	Required	Detail	Quantum	Fixed contribution / Tariff	Officer agreed	Applicant agreed	Number Pooled obligations
Cambridgeshire County Council									
CCC1	Early years	DP/4	NO	<p>The development is expected to generate a net increase of 15 early years aged children, for which Section 106 contributions would be sought for 8 children.</p> <p>In terms of early year capacity County education officers have confirmed that there is sufficient capacity in the area for the next 3 years to accommodate the places being generated by this development.</p>	£0				
CCC2	Primary School	DP/4	NO	<p>The development is expected to generate around 11 primary education aged children.</p> <p>The development lies within the catchment area of Over Primary School, where it is confirmed that there is sufficient capacity in the next 5 years to accommodate the places generated by this development.</p>	£0				
CCC3	Secondary school	DP/4	NO	<p>The development is expected to generate a net increase of 6 secondary education aged children. The catchment school is Swavesey Village College. County education officers have confirmed that at present there is insufficient capacity at the Village College to accommodate the secondary places generated by this development.</p> <p>The project that has been identified to accommodate this additional demand is to increase the capacity of Swavesey Village College from 8FE to 9FE, providing space for an additional 150 pupils. This work is costed at £2,650,000. Contributions are sought on the basis of £17,667 per place (£2,650,000/150).</p>	£123,669	Tariff	YES		There have currently not been any contributions pooled towards this specific project although there are a number of 'live' requests for undetermined applications

				Therefore a contribution of £106,002 is sought towards secondary education.					
CCC4	Libraries and lifelong learning	DP/4	NO	The village is currently served by two mobile stops. County Council officers have confirmed that the 124 new residents arising from this development (2.27 average household size x 58 new dwellings) can be served adequately by the existing library provision.	£0				
CCC5	Strategic waste	RECAP WMDG	NO	This development is within the Bluntisham HRC catchment area for which Section 106 contributions are not currently sought.	£0				
CCC6	Transport	TR/3	NO	No request made by Cambridgeshire County Council	£0				
South Cambridgeshire District Council									
SCDC1	Offsite open space (sport)	SF/10	YES	<p>The recreation study of 2013 identified Over as needing 4.62 ha of sports space whereas it has 3.62 resulting in a deficit of 1 ha of sports space.</p> <p>Over Parish Council have said that in order to meet the needs of sports groups that the pavilion serving the Willingham Road recreation ground requires refurbishment and updating.</p> <p>Offsite financial contributions are proposed being secured in accordance with the rates published in the open space in new developments SPD as follows:</p> <p>1 bed £625.73 2 bed £817.17 3 bed £1,150.04 4 bed £1,550.31</p>	£55,000 (circa)	Tariff	YES	TBC	None
SCDC2	Open space (children's play)	SF/10	YES	The recreation study of 2013 identified Over as needing 2.31 ha of sports space whereas it has 0.19 resulting in a deficit of 2.12 ha of children's play space.			YES	TBC	None

				In accordance with the open space in new developments SPD a LEAP comprising 9 items of equipment for 4-8 year olds over an activity area of 500m2 is required on developments on 50 dwellings or above.					
SCDC3	Open space (informal open space)	SF/10	YES	Onsite public open space to be provided in accordance with policy and offered to Over PC for adoption with a commuted sum payment based on £11.36 per square metre of adopted open space	£TBD				None
SCDC4	Offsite indoor community space	DP/4	YES	<p>In accordance with the policy approved by the portfolio holder in 2009 Over needs 309 m2 of indoor community space whereas it has 362 m2 resulting in a surplus of 53 m2.</p> <p>Over is served by Over Community Centre which the 2009 study identified as being a substantial facility approximately 10 years old, offering a variety of services and opportunities. Main hall is of a good size, suitable for performances and sporting activities. Smaller meeting areas also available, along with bar/lounge, recently refitted and in excellent order. Centre also offers changing for grass pitches and new 3G seven-a-side pitch. Has significant use as a conferencing venue. Facilities are generally well designed and laid out.</p> <p>In 2009 the condition of the facility was described as 'Excellent'.</p> <p>Over is defined as a Group Village in the Core Strategy and in accordance with the Community Facilities Audit 2009 the proposed standard for a Group Village is as follows:</p> <ul style="list-style-type: none"> <li>Group Villages should offer a</li> </ul>	£0	Tariff	YES		None

				<p>facility of reasonable size which offers access to community groups at competitive rates.</p> <ul style="list-style-type: none"><li>• The facility should feature a main hall space which can be used for casual sport and physical activity; theatrical rehearsals/performances and social functions, however, it is recognised that one use may be favoured depending upon demand.</li><li>• All new facilities, including toilets, should be fully accessible, or retro-fitted if viable to ensure compliance with Disability Discrimination Act legislation wherever possible.</li><li>• Facilities should include an appropriately equipped kitchen/catering area for the preparation of food and drink. The venue should have the capacity for Temporary Events for functions which serve alcohol.</li><li>• Where practical and achievable, new build facilities should be delivered with appropriate energy-efficiency measures in place, although this should be undertaken with the balance of expenditure/saving in mind, given the likely hours of usage. Likely measures include light sensors/timers, Cisternisers, improved insulation etc.</li><li>• Facilities should be functional spaces, designed to offer ease of management, as volunteers are likely to be primarily responsible for day to day upkeep.</li></ul>					
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				<p>The contribution required as per the indoor community space policy would be:</p> <p>1 bed - £284.08 2 bed - £371.00 3 bed - £513.04 4+ bed - £703.84</p> <p>Over Parish Council have not at this time identified any projects for the improvements of Over Community Centre and as such no contribution towards indoor community space would be secured.</p>					
SCDC5	Household waste receptacles	RECAP WMDG	YES	£72.50 per dwelling	£3,987.50 (circa)	Tariff	YES		None
SCDC6	S106 monitoring		YES	A fee of £1,000	£1,000	Fixed fee	YES		
Non standard requirements									
OTHER1	Health	DP/4	NO	<p>The development is likely to have an impact on the services of 1 GP Practice within the locality, Over Surgery. This GP practice does not have capacity for the additional growth as a result of this development. Therefore a Healthcare Impact Assessment has been prepared to provide the basis for a developer contribution towards capital funding to increase capacity within the GP catchment area.</p> <p>The development would give rise to the need for improvements by way of extension, refurbishment or reconfiguration at the existing practice, a proportion of which would be met by the developer.</p> <p>In this case a contribution of £19,060 to mitigate the capital cost to NHS for the provision of additional healthcare</p>	£19,060	Fixed fee			There have currently not been any contributions pooled towards this specific project

				services is sought, to be secured through a planning obligation.					
OTHER2	Awarded watercourse	DP/4	YES	<p>A sum of £25,000 is sought as a maintenance contribution towards future works to the award drain over a period of 30 years.</p> <p>Such works include (but are not limited to):</p> <ol style="list-style-type: none"> <li>1. Additional flail mowing</li> <li>2. Routine Inspections</li> <li>3. Routine Hand cleaning</li> <li>4. Additional de-silting</li> </ol>	£25,000	Fixed fee	YES		
<p><b>TOTAL - £227,716.50 (subject to final housing mix and excluding the cost associated with providing the LEAP)</b></p> <p><b>PER DWELLING - £4,140.30 (subject to final housing mix and excluding the cost associated with providing the LEAP)</b></p>									

NB. This note covers only infrastructure that is to be secured via a planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended). Planning applications are often required to also provide new or improvements to existing infrastructure including but not limited to highways, drainage and biodiversity. Such measures will be secured via a planning condition and details of these are set out in the planning committee report.





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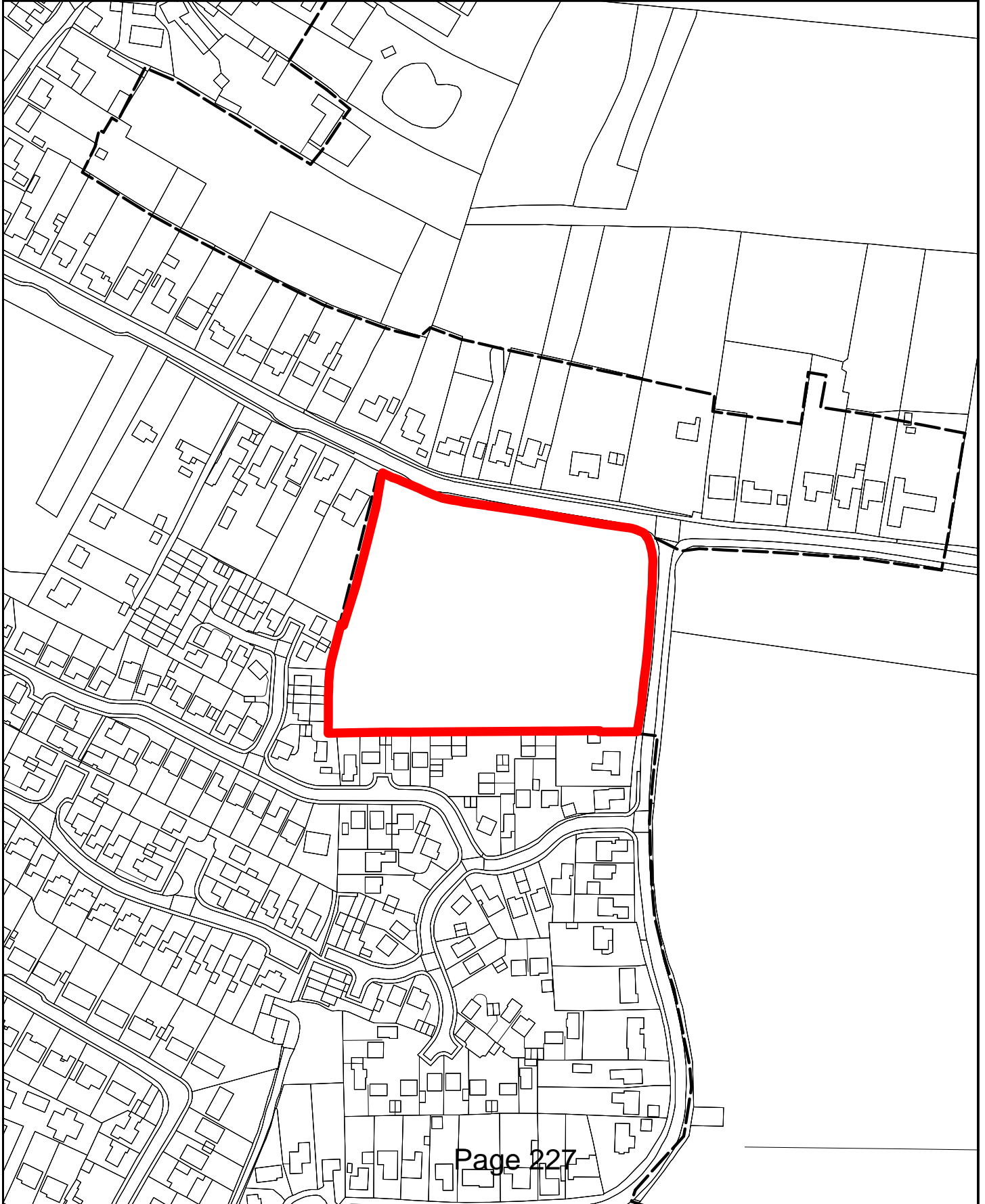
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# Agenda Item 10

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

11 May 2016

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

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<b>Application Number:</b>	S/2689/15/FL
<b>Parish(es):</b>	Haslingfield
<b>Proposal:</b>	Demolish existing bungalow and replace with a two storey dwelling
<b>Site address:</b>	115 New Road, Haslingfield, CB23 1LP
<b>Applicant(s):</b>	Mr & Mrs Miller
<b>Recommendation:</b>	Approval
<b>Key material considerations:</b>	Planning Policy and Principle, Visual Amenity, Residential Amenity, Highway Safety and Impact on Settings of Adjacent Listed Buildings
<b>Committee Site Visit:</b>	10 May 2016
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Thorfinn Caithness, Principal Planning Officer
<b>Application brought to Committee because:</b>	The recommendation of Haslingfield Parish Council conflicts with the Officer recommendation.
<b>Date by which decision due:</b>	20 May 2016 (extension of time agreed)

### Executive Summary

1. The application proposes the erection of a replacement dwelling, involving the demolition of an existing bungalow and its replacement with a two storey detached house. The application is a product of favourable pre-application advice and the submitted proposals are reflective of the pre-application discussions with the applicant.
2. The scheme seeks to create a family sized dwelling within the village framework of Haslingfield on New Road, where there are a variety of types, sizes and ages of properties. It is considered that although the proposals represent a significant change compared to the existing modest bungalow on the plot, the site and the wider street scene is, on balance, capable of satisfactorily absorbing the proposed new dwelling without causing undue harm to local character and amenity.
3. The application site is situated adjacent to two Listed Buildings, nos. 117 and 121 New Road. Regard has been had to the impact of the proposals on the settings of these Listed Buildings and the proposals are considered to be satisfactory in this regard. The

proposals are therefore considered to be acceptable in relation to the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990, which 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'.

4. Regard has been had to the privacy and residential amenities of surrounding residential neighbours and the proposals are considered to be satisfactory in relation to this important material planning consideration.
5. The application is considered to comprise a sustainable form of development, in accordance with the National Planning Policy Framework and the adopted Development Plan and there are considered to be no other material considerations to indicate otherwise.

### **Planning History**

6. RC/0105/60 – Full Planning - Erection of bungalow with garage – Approved 27-04-1960.

PRE/0415/14 – Replacement Dwelling – Answered 01-09-2014.

### **National Guidance**

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

### **Development Plan Policies**

8. **South Cambridgeshire LDF Core Strategy DPD, 2007**  
ST/3 Re-Using Previously Developed Land and Buildings  
ST/6 Group 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  
HG/1 Housing Density  
HG/2 Housing Mix  
NE/1 Energy Efficiency  
NE/6 Biodiversity  
NE/9 Water and Drainage Infrastructure  
CH/4 Development Within the Curtilage or Setting of a Listed Building  
TR/1 Planning For More Sustainable Travel  
TR/2 Car and Cycle Parking Standards  
SF/10 Outdoor Playspace, Informal Open Space, and New Developments  
SF/11 Open Space Standards
10. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**  
District Design Guide - Adopted March 2010  
Open Space in New Developments 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/7 Development Frameworks

S/10 Group Villages

HQ/1 Design Principles

NH/4 Biodiversity

NH14 Heritage Assets

H/11 Residential Space Standards for Market Housing

TI/2 Planning for Sustainable Travel

TI/3 Parking Provision

TI/8 Infrastructure and New Developments

SC/6 Indoor Community Facilities

SC/7 Outdoor Play Space, Informal Open Space and New Developments

CC/1 Mitigation and Adaption to Climate Change

CC/6 Construction Methods

CC/7 Water Quality

CC/8 Sustainable Drainage Systems

**Consultation**

12. **Haslingfield Parish Council**- The principle of a replacement dwelling is acceptable. However, the currently proposed scheme is considered to be contrary to planning policy DP/2 Design of New Development in that the proposals, by way of their scale, mass, form, siting, design, proportions and materials would be inappropriate and incompatible with the location. As a result, the proposals also fail to preserve and enhance the character of the local area as required by the policy. The Parish Council is also concerned that the proposed dwelling would have a negative impact on the residential amenity of the bungalow located adjacent to the application site, given the overbearing nature of the proposed dwelling. The proposals are also considered contrary to planning policy CH/4 Development within the Curtilage or Setting of a Listed Building. The overbearing nature of the proposed dwelling would dominate the adjacent Listed Buildings located at 117 and 121 New Road and negatively impact on the visual relationship between the Listed Buildings and both their formal and natural landscape surroundings. The application fails to illustrate clearly how the proposals will impact on the curtilage and wider setting of the Listed Buildings. The proposals are considered to be contrary to the wider planning objectives of the National Planning Policy Framework - Requiring Good Design, paragraphs 56, 57 and 58 points 1, 4, and 6 in particular.
13. **Local Highways Authority** - No objections subject to conditions relating to the falls and levels and construction material of the driveway and an informative regarding works within the public highway, in the interests of highway safety.
14. **Environmental Health** – No objections subjection to the imposition of conditions to control construction activities, burning of waste and pile foundations, in the interests of residential amenity.
15. **Conservation / Historic Buildings** – The site is occupied by a detached bungalow on New Road. The street has a range of building types and form. Those to the east of the site are modern, where as the dwellings to the west are grade II listed. The site to the west is screened with mature trees and vegetation; however there is no protection

and these could be removed providing clear views between the sites.

16. The proposed replacement dwelling is two storeys in height and of considerable larger scale and massing than existing. The immediate dwelling to the west is a converted dovecote, which has a particularly small footprint. The proposed dwelling is no closer to the listed buildings and includes a single storey element to the west part. Taking this into account and the current screening the development of a two storey dwelling on this site will have minimal impact on the setting of the adjacent listed buildings.

### **Representations**

17. None

### **Site and Surroundings**

18. The application site is located on the south side of New Road in Haslingfield in a well-established residential neighbourhood. The existing property is a bungalow with front and rear gardens and an off street area for parking and turning to the front. The property appears to have been constructed as a pair with 113 New Road.
19. Number 115 New Road comprises a 3-bed bungalow of pitch roof form, constructed of brown facing bricks and grey interlocking concrete roof tiles. All floor space is accommodated at ground floor level. This includes an attached garage and store and a modern upvc rear conservatory located on the south east side of the property next to the boundary with 113 New Road.
20. Number 115 is located on the south side of New Road. It is a building of modest size and appears to have been built as a pair with the neighbouring 113 New Road.
21. On the north side of New Road there is a group of 8 no. two storey properties with hipped roofs, likewise a similar group of larger, two storey hipped roof properties to the east on the same side of New Road as the application site.
22. The existing bungalow occupies a spacious plot with some mature trees and hedges along the northern and wester boundaries.
23. The application site is located within the defined village framework of Haslingfield, as defined by Inset No.50 of the adopted Proposals Map. Haslingfield is classed as a 'Group Village' under Policy ST/6 of the adopted Core Strategy DPD.
24. The prevailing street scene is one within which there are a variety of property types, designs, sizes and ages, including large, two storey modern properties on both sides of the street.
25. To the north west of the application site there are two Grade II Listed Buildings, Nos. 117 and 121 New Road.
26. The site does not lie within a Conservation Area and is not affected by flood risk.

### **Proposal**

27. The application seeks full planning permission for the erection of a replacement, two-storey, detached dwelling at 115 New Road Haslingfield, following demolition of the existing detached bungalow.
28. The application proposals are a product of a pre-application enquiry with the Council which received a positive response from officers. The current proposals fully reflect these pre-submission discussions.
29. The proposed replacement dwelling comprises a detached, two storey house of predominantly hipped roof form. The property will be of 5-bedroom size, with a master en-suite, and attached garage.
30. The property has been designed with the main two storey section of the building positioned centrally within the plot. Smaller single storey sections will cascade down at either side to reduce the size and scale adjacent to the side boundaries.
31. The eaves height of the main two storey section will be 5.3 metres and the maximum ridge height will be 7.9 metres. The smaller single storey sections to the sides will have eaves heights of 2.5 metres and ridge heights of 5.1 metres.

### **Planning Assessment**

32. Applications are to be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The adopted Development Plan comprises the South Cambridgeshire Core Strategy DPD, 2007, Development Control Policies DPD, 2007 and Site Specific Policies DPD.
33. The emerging Local Plan comprises the South Cambridgeshire Local Plan, Proposed Submission Version, July 2013 and associated Policies Map. This plan has not yet been adopted and remains subject to independent inspection therefore very limited weight can be attached to the policies contained therein at this time.
34. The application has been advertised as affecting the setting of a Listed Building, as required by the Planning (Listed Buildings and Conservation Areas) Act 1990.
35. The key issues in relation to this application are considered to be the principle of development, residential and visual amenity, highway safety and impacts on the setting of Listed Buildings.

### **Principle of Development**

36. At a national planning level, Section 6 of the National Framework seeks to deliver a wide choice of high quality homes. In particular, Section 50 of the NPPF states that local authorities should, amongst other things, plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, including in this particular case, people wishing to build their own homes.
37. Section 7 of the National Framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, paragraph 58 of the NPPF states that developments should, amongst other things, add to the overall quality of the area, establish a strong sense of place, respond to local character and history,

reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation, and be visually attractive with appropriate landscaping.

38. Paragraph 60 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
39. Section 12 of the NPPF seeks to conserve and enhance the Historic Environment. Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.
40. At a local level, the application site is located within the defined framework of Haslingfield village, as identified on Inset No. 50 of the adopted Proposals Map, 2010. The principle of demolishing the existing bungalow and erecting a replacement dwelling is therefore considered to be acceptable, and this was reflected in the pre-application response to the applicant.
41. Overall, the principle of a replacement dwelling on this site is considered to be acceptable.

#### **Residential Amenity**

42. The proposal has been assessed in regard to neighbour amenity and impact from loss of light, loss of privacy and overbearing impact and it is considered that the proposals would not result in any adverse harm and therefore comply with Policy DP/3 of the LDF.
43. The concerns of the Parish Council with regards to overbearing impacts on 113 New Road are acknowledged, however the replacement dwelling has been designed so that the larger two-storey section is centrally placed within the plot, set in and back from the side boundaries. Whilst the building will be substantially larger, the side sections will be of single storey size and scale which will significantly reduce any impacts on neighbouring properties.
44. Openings in the eastern elevation facing 113 New Road are limited to a garage doorway at ground floor level and 2 (no.) obscurely glazed bathroom / en-suite windows at first floor level. In the western elevation there will be a ground floor door and an obscurely glazed bathroom window at first floor level. Consequentially, there will be no direct overlooking and loss of privacy to 113 or 117 New Road.
45. The new property is located to the north-north-west side of 113 New Road, therefore 113 will continue to receive good levels of daylight and sunlight from the east, south and west.
46. The footprint of the new property will be larger, however the overall plot size is larger and the garden will continue to be of a size and shape commensurate with the size of the proposed larger property.
47. Taking account of the siting, orientation and detailed design of the property it is



considered that impacts on neighbouring residential amenity will be satisfactory.

### **Visual Amenity**

48. The application proposals will introduce a larger and very different building onto the application site in comparison to the existing modest bungalow. This change in scale and proportions is likely to be exaggerated by the continued presence of the immediately adjacent bungalow at 113 New Road, which appears to have been built as a pair with 115 New Road. There is certainly a prevailing unity to 113 and 115 New Road. When viewed in isolation, side by side with 113 New Road, the replacement dwelling could appear significantly larger and somewhat imbalanced and inharmonious with the remaining bungalow. This is certainly the view of the local Parish Council, which considers that the proposals, by way of their scale, mass, form, siting, design, proportions and materials would be inappropriate and incompatible with the location.
49. However, when viewed within the context of the wider overall street scene, which is characterised by a mix of property types, sizes and ages, including modern two storey hipped roof style houses on the opposite side of the street, (including some with roof mounted upvc panels), it is considered, on balance, that the application proposals can be assimilated visually and physically with the wider street scene and surroundings. This is an on-balance decision, reflecting the presence of two storey building forms, scales and proportions within the street scene, combined with the good sized plot within which the application proposals sit and the fact that the proposed dwelling will continue to have domestic scaled proportions reflective of others in the locality.
50. Despite the obvious visual and physical transformation that will result, it is considered that the proposals are acceptable in terms of their design and appearance within the street scene and are therefore in accordance with the relevant policies of the NPPF, the adopted Local Plan and the Council's adopted District Design Guide SPD.

### **Highway safety and parking**

51. There are no objections to the proposal from the Highways Authority. The site comprises an existing domestic property with off-street parking, turning and servicing provision and this will remain the case. A highways condition is advised requiring the proposed driveway to be constructed using a bound material to prevent debris spreading onto the adopted highway.

### **Impact on Setting of Listed Building**

52. Located to the north-north-west of the application site there are two Grade II Listed Buildings; 117 and 121 New Road. Both are domestic properties set within irregularly shaped plots. As already described, the prevailing street scene is one within which there is a varied mix of property types, sizes and ages. The architectural and historic interest, including setting of these two Listed buildings is already appreciated within the context of a street scene where similar modern, two story houses exist and can be seen within the same visual view frame as the modern buildings. Although the application site shares a boundary with 117 New Road, this adjacent building is set back into the plot and is largely screened from view by a combination of this set back and existing boundary planting. It is not considered that the larger building proposed on the application site would physically impose itself of the setting of this Listed Building or encroach in a detrimental way into the landscape or any other setting of this particular Listed Building. This view is shared by the Council's Historic Buildings Section, which confirms that the application proposals will have a minimal impact on

the setting of the two adjacent Listed Buildings.

**Conclusion**

53. Having regard to relevant national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance

**Recommendation**

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

**Conditions**

55. (a)The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)

(b)The development hereby permitted shall be carried out in accordance with the following approved plans: JPT/MIL/0914/002 – ‘Site Plan’ and JPT/MIL/0914/001 – ‘Proposed Plans and Elevations’.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

(c)No development shall commence until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
(Reason – To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007).

(d)No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

(e)All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

(f) No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturday and not at any time on Sundays or Bank or Public Holidays.

(Reason – To protect the amenity of the locality, especial for people living and / or working nearby, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

(g) Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer.

(Reason - To minimise disturbance for adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

(h) There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department.

Reason - To minimise disturbance for adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

(i) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, or C of Part 1 of Schedule 2 of the Order shall take place and no new window openings shall be created at first floor level in the north western and south eastern elevations of the dwelling hereby approved, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

(Reason - In the interests of residential and visual amenity in accordance with Policy DP/2 and CH/5 of the adopted Local Development Framework 2007.)

### **Informatives**

56. (1) The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service.

(2) Before any existing buildings are demolished, a Demolition Notice will be required from the Building Control Section of the Council's planning department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation.

(3) The granting of planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway. A separate permission must be sought from the Highway Authority for such works.

### **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

**Report Author:**

Thorfinn Caithness  
Telephone Number:

Principal Planning Officer  
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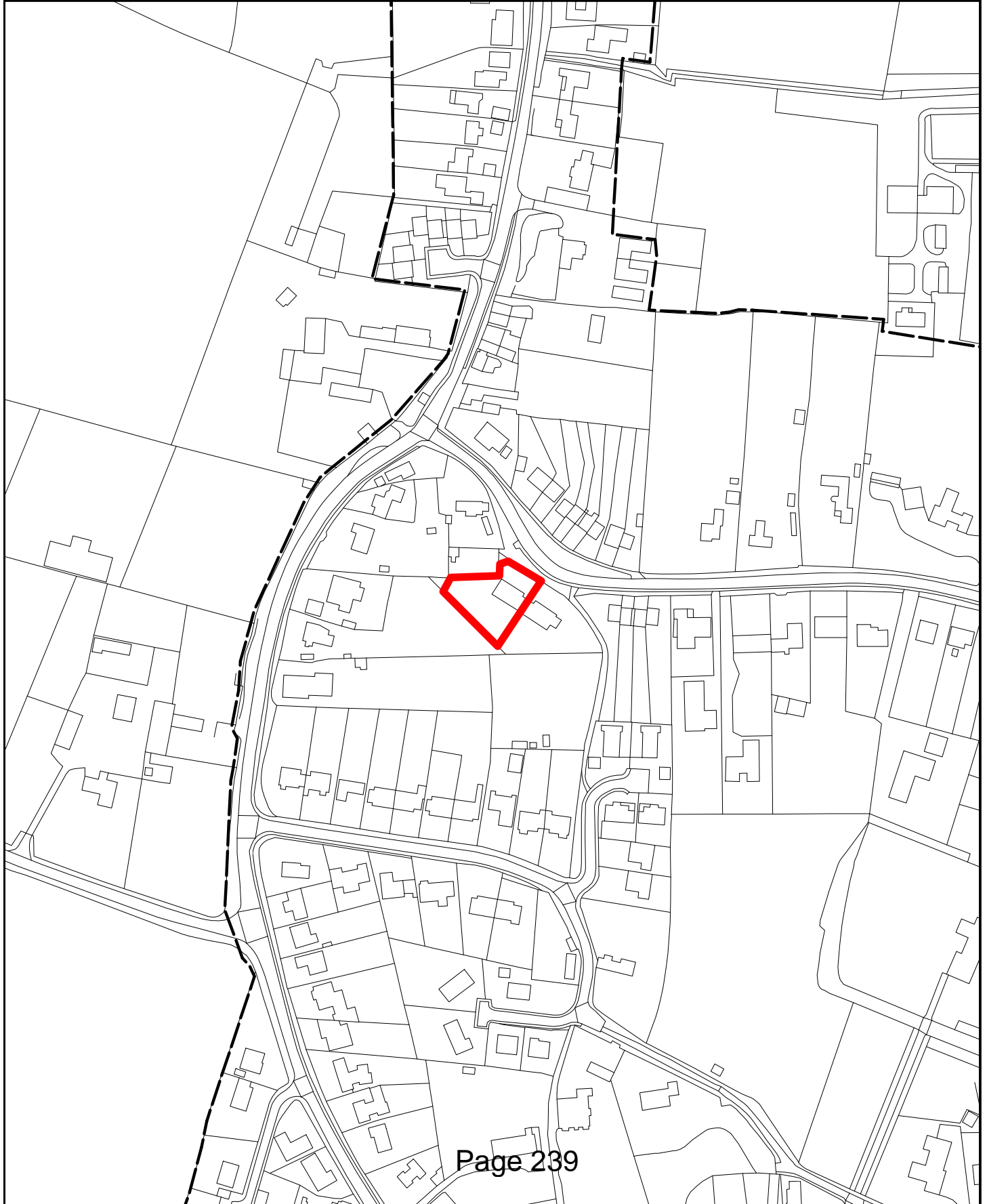
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# Agenda Item 11

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

11 May 2016

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

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**Application Number:** S/0078/16/FL

**Parish:** Gamlingay

**Proposal:** Proposed New Dwelling

**Site address:** Fountain Farm, Park Lane, Gamlingay

**Applicant(s):** G Bartram

**Recommendation:** Delegated Approval

**Key material considerations:** Principle, local character, residential amenity

**Committee Site Visit:** 21 April 2016

**Departure Application:** Yes

**Presenting Officer:** Alison Twyford, Senior Planning Officer

**Application brought to Committee because:** The Parish Council have objected to the application contrary to Officer recommendation.

**Date by which decision due:** 24 March 2016

### Relevant Planning History

1. S/0567/77/O- Erection of an agricultural bungalow -Approved

S/0523/88/F – Mobile Home – Approved

S/1665/03/LDC - Certificate of Lawfulness for Retention of Living Accommodation as Permanent Dwelling- Refused

S/1111/98/LDC - Occupation of Dwelling Without Compliance With Agricultural Restriction – Approved

S/0145/04/F- Erection of Bungalow to Replace Mobile Home – Approved

### National Planning Policies and Guidance

2. *National Planning Policy Framework (NPPF) 2012*  
*National Planning Practice Guidance*

## Development Plan Policies

3. 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.

4. *South Cambridgeshire LDF Core Strategy, adopted July 2007*  
ST/5 Minor Rural Centres

### *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  
SF/10 Outdoor Playspace, Informal Open Space, and New Developments  
SF/11 Open Space Standards

5. *South Cambridgeshire LDF Supplementary Planning Documents (SPD):*  
District Design Guide SPD – Adopted March 2010

## Consultation

6. **Gamlingay Parish Council** - recommends refusal with the following comments:  
"Site is in the open countryside. Precedent issue arises in relation to splitting up of landholdings within the open countryside to create new homes on land which was originally one rural small holding with one mobile home. Proposed property has no link to manage rural landholding. Site is outside Gamlingay's development framework/village envelope."

7. **Environmental Health** – Advise the following conditions if approved:  
No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.

8. There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department.

Reason: To ensure nuisance is not caused to local residents.

9. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

## *Informatives*

10. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of



any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service.

11. **Highways Authority** – No significant adverse effect upon the Public Highway.

#### **Representations**

12. No representations were received in relation to this application.

#### **Site and Proposal**

13. The site lies outside the Village Development Framework for Gamlingay and is within the countryside.
14. The site is presently occupied by a bungalow with a sizeable garden area which is proposed to be subdivided to form two plots with a shared access. The site has a vehicular access from Park Lane and is well screened on the western boundary.
15. The new dwelling would be adjacent to other residential properties. The existing boundary treatments of mature hedges and trees are to be retained.

#### **Planning Appraisal**

16. The main issues to consider in this instance are the policy context, impact on the character and appearance of the area, and neighbour amenity impact.

#### **Policy Context / Housing Land Supply Implications**

17. 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.
18. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 3.9 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 2015). 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.
19. 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.

20. In the case of this application policies which must be considered as potentially influencing the supply of housing land include ST/5 of the adopted Core Strategy and adopted policies DP/1 (by virtue of criterion 1a) and DP/7 of the adopted Development Control Policies.
21. 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.
22. Paragraph 55 of the National Planning Policy Framework (NPPF) states that new housing in rural areas should be located where it will enhance or maintain the vitality of rural communities, and new isolated homes in the countryside should be avoided unless there are special circumstances. Local Policies DP/1 and DP/7 share this aim in restricting development outside of urban and village frameworks to agricultural, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside, as well reducing car dependency and the need to travel.
23. It falls to the Council as decision maker to assess the weight that should be given to the existing policy. The Council considers 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. For the purposes of paragraph 55 of the NPPF, the proposed dwelling is not considered to be isolated. The development would be grouped close to several dwellings and would be located within relatively easy walking or cycling distance to the centre of Gamlingay. In accordance with the Core Strategy policy ST/5, Gamlingay is a Minor Rural Centre which has services and facilities that support local village requirements. On balance, officers consider a dwelling house is suitable in this location subject to all other material considerations and consider that little weight can be given to policy DP/7 in relation to this particular application.

#### **Impact on character of the area**

24. The development would be confined to within an existing residential plot area to the side of Fountain Farm, Park Lane and would be positioned directly adjacent to the road. The surrounding buildings are all in residential use.
25. The proposed dwelling will be in keeping with the general residential character of the locality and is not considered likely to have an adverse impact upon the character and appearance of the area.
26. The planning application which approved the existing bungalow on the site under planning reference S/0145/04/F – "*Erection of Bungalow to Replace Mobile Home*" removed permitted development rights under Schedule 2 Part 1 Classes 1 and 2 to safeguard the character of the area. Officers consider that the same restrictions should be applied to this property to ensure the site is not overdeveloped.
27. On this basis, the proposal complies with policies DP/2 and DP/3 of the adopted LDF.

## **Residential Amenity**

28. Officers do not consider that the proposed development will have a detrimental impact upon the amenity of the neighbouring properties. Officers do not consider that the proposal will create any significant issues of overshadowing or loss of light. No objections have been received in this respect.
29. Conditions have nonetheless been recommended by the Environmental Health Section which seek to protect residential amenity during the period of construction.. Officers consider that a working hours condition is reasonable for attachment to any approval that may be granted. Officers consider that the proposed conditions relating to the burning of materials and possible piling of foundations would be more suitable as Informatives to any approval that may be granted.

## **Section 106**

30. Government planning policy that sought to introduce a new national threshold on pooled contributions was introduced on 28 November 2014 but has since been quashed. Policies DP/4, SF/10 and SF/11 therefore remain relevant in seeking to ensure the demands placed by a development on local infrastructure are properly addressed.
31. There remains restrictions on the use of section 106 agreements, however, resulting from the Community Infrastructure Levy Regulations 2010 (amended). CIL Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is (i) Necessary to make the development acceptable in planning terms; (ii) Directly related to the development; and (iii) Fairly and reasonably related in scale and kind to the development.
32. CIL Regulation 123 has the effect of restricting the use of pooled contributions. In accordance with Planning Practice Guidance "When the levy is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy". The pooling is counted from 6 April 2010.
33. More than five planning obligations have been entered into for developments in the village of Gamlingay since that date. As such, officers are satisfied that the Council could not lawfully enter into a section 106 agreement to secure developer contributions as per development control policies DP/4, SF/10, SF/11 should the application be approved.
34. No specific projects for either outdoor or indoor community facilities have been identified that are directly related to the development; fairly and reasonably related in scale and kind to the development; or necessary to make the development acceptable in planning terms (as per the requirements on paragraph 204 of the NPPF). As such, no request for such contributions should be sought in the event the application was to be approved.

## **Conclusion**

35. 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:

ST/5: Minor Rural Settlements – indicative maximum scheme size of 30 dwellings  
DP/1 (1a) – Sustainable Development  
DP/7: Village Frameworks

36. 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.
37. Officers have identified in the report the areas where they consider that significant and demonstrable harm will not result from the proposal, in terms of the unsustainable location for a development of the scale proposed. Officers have based this conclusion on the specific circumstances of Gamlingay, taking into account that the village is considered to be a generally sustainable location for development of this scale as outlined in the planning assessment.
38. In doing so, officers have concluded that housing supply policies ST/5, DP/1 1a and DP/7 are not considered to be of sufficient weight in this instance to suggest that planning permission should not be granted for the proposed development given the adverse impacts of doing so would not 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.

## **Recommendation**

39. Officers recommend that the Committee approve the application, subject to:

### **Conditions**

- (a) Time Limit (3 years) (SC1)
- (b) Drawing numbers (SC95)
- (c) Removal of permitted development rights (Classes A-H of Schedule 2 Part 1) (SC29)
- (d) No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.

### **Informatives**

1) The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service.

2) There shall be no burning of any waste or other materials on the site, without prior

consent from the environmental health department.

3)Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

### **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 DPD (adopted July 2007)
- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted July 2007)
- Planning File Ref: S/0078/16/FL

### **Report Author:**

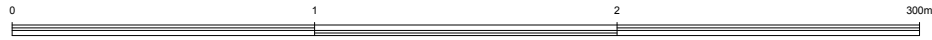
Alison Twyford

Telephone Number:

Senior Planning Officer

01954 713264

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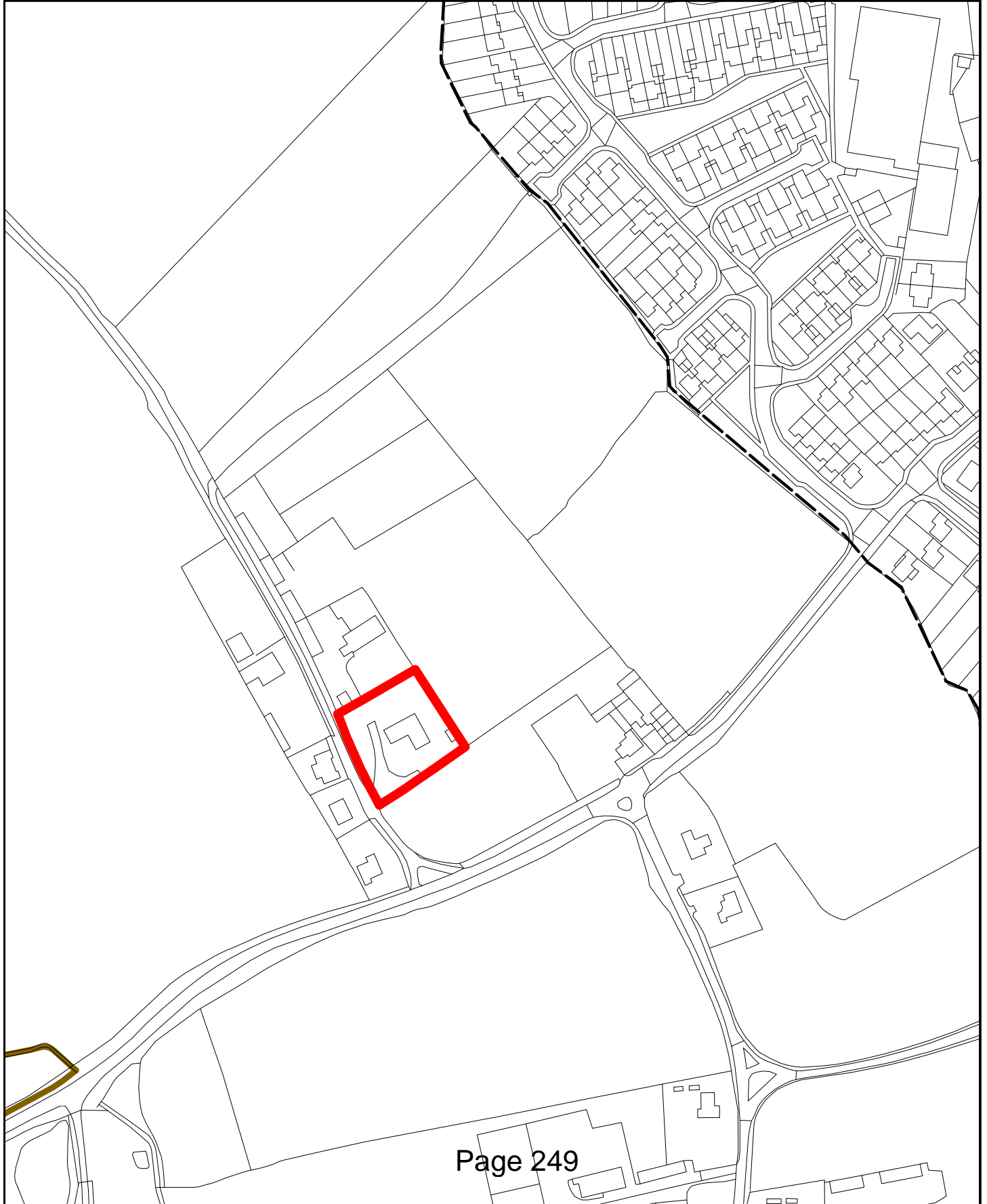
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# Agenda Item 12

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

11 May 2016

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

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<b>Application Number:</b>	S/2403/15/FL
<b>Parish(es):</b>	Fowlmere
<b>Proposal:</b>	Change of use of agricultural building to a farm shop cafe
<b>Site address:</b>	Deans Farm, Long Lane, Fowlmere SG8 7TG
<b>Applicant(s):</b>	Mr T Deans
<b>Recommendation:</b>	Approval
<b>Key material considerations:</b>	Principle of development Residential amenity Character of the surrounding countryside Highway Safety and parking
<b>Committee Site Visit:</b>	No
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	David Thompson, Principal Planning Officer
<b>Application brought to Committee because:</b>	The officer recommendation of approval conflicts with the recommendation of Fowlmere Parish Council
<b>Date by which decision due:</b>	02 December 2015

### Executive Summary

1. The principle of development is considered to be acceptable as a scheme for farm diversification which has been supported by a Business Plan which demonstrates that the long term viability of the farm requires an alternative income stream. Given that the site is previously developed land, with an existing B1, it is considered that the level of activity generated by the proposed use would not be unsustainable despite the location of the site in the open countryside. It is considered that the proposed use would not have an adverse impact on highway safety or the residential amenity of neighbouring properties. The proposal is therefore considered to meet the definition of sustainable development as set out in the NPPF.

### Planning History

2. S/1115/15/PM – change of use of existing agricultural building and lane to a tea shop/cafe (use class A3) – refused and appeal dismissed

S/1966/13/VC – removal of condition 4 of planning permission S/2521/11 restricting retail use to allow unrestricted retail use – refused (allowed at appeal)

S/0866/12/FL – proposed conversion of building to B1 to poultry, pet and equestrian store (A1 use) – refused

S/2521/11 – proposed conversion of building from B1 to poultry, pet and equestrian store – refused (allowed at appeal)

S/0629/10/F – relocation of access (revised design) - refused

S/1712/10 – proposed amendment to access for planning permission S/2268/07/F (below) - approved

S/2268/07/F – change of use of building to B1 industrial and installation of Klargestor and new access - approved

S/0974/03/F – change of use to the preparation of pet hay/straw and shavings including outside storage and 1 metre high earth bund - approved

### **National Guidance**

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

### **Development Plan Policies**

4. **South Cambridgeshire LDF Core Strategy DPD, 2007**  
ST/6 Group Villages
5. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/7 Development Frameworks  
ET/9 Farm Diversification  
SF/5 Retailing in the countryside  
NE/9 Water and Drainage Infrastructure  
NE/14 Lighting proposals  
NE/15 Noise Pollution  
TR/2 Car and Cycle Parking Standards
6. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**  
District Design Guide SPD - Adopted March 2010
7. **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  
E/22 Applications for new retail development  
E/23 Retailing in the Countryside  
SC/10 Lighting proposals  
SC/11 Noise pollution  
TI/3 Parking Provision  
E/18 Farm Diversification

## Consultation

8. **Fowlmere Parish Council** - Recommends refusal of the application and makes the following comments:

'The Parish Council refuse the application because it is contrary to the Emerging Local Plan, in particular E/16 Expansion of Existing Businesses in the Countryside. Especially as the approvals for part of the building that have already been given have not been implemented as we understand officers have been into the building to view this for themselves. Policy E/16 clearly states at (a) the proposal has to have been in operation successfully for a minimum of 2 years before expansion approval could be given. At E/16 (b) states that there has to be a named (user) for the development and this has not been shown. At (d) 'Unacceptable impact on the countryside' again this cannot be demonstrated because the business is not operating and at (f) we have not been shown the amount of traffic that would be generated. At policy E/18 Farm Diversification at (2) applications must include a business plan and the Parish Council has no evidence of such a plan. Lastly, this application would impact on nearby domestic properties by the fact of its 7 day a week approval and the added footfall that is likely to ensue.'

9. **District Council Environmental Health Officer (EHO)** – no objections to the proposals. Food safety and pest control issues will need to be considered at the licensing stage.
10. **Local Highway Authority** – no significant adverse impact on the public highway should result from this proposal should planning permission be granted. Although the proposed change of use is likely to generate more motor vehicle movements to and from the site than the existing use, these are unlikely to be undertaken at peak hours and the numbers are unlikely to be significant.

## Representations

11. 1 letter of objection has been received from a neighbouring resident which makes the following observations:

'Deans Farm has had a large number of applications in recent years and several substantial buildings, gradually transforming it from a quiet agricultural/light commercial site. It is not at all clear what the final plan of the owner is for this site as the use of the buildings seems to evolve and the planning requests are at odds with the current use as a packing and distribution site. We are greatly concerned about traffic, hours of operation and the environmental impact of the continued expansion of the use of this site.'

## Site and Surroundings

12. The application site comprises a warehouse building located to the northwest of the village framework of Fowlmere. The site is accessed to its south-east border from Fowlmere Road, which is set at the national speed limit. The site is surrounded by open countryside with the nearest neighbour, North Farm House, to the east. The central section of the overall building (i.e. the part to which this application relates) is considered to have a B1 use. Whilst the storage and packing of hay could be considered an agricultural use, on this site, this activity is associated with the bulk animal feed/bedding business which operates under the B1 use. This position has been confirmed in a recent appeal statement. The south eastern end bay of the

building has an unrestricted A1 retail use. When this use was first approved on appeal under the 2011 application listed above, a condition was attached limiting the goods to be sold within the unit to those closely related to the pet supplies element of the B1 use. However, this restriction was removed on appeal in 2013.

### **Proposal**

13. The applicant seeks full planning permission for the change of use of agricultural building to a farm shop cafe (use class A3).

### **Planning Assessment**

14. The key issues to consider in the determination of this application are the principle of development, the impact on the residential amenity of neighbouring properties, the character of the surrounding area and highway safety and parking capacity on the site.

### **Principle of Development**

15. Paragraph 28 of the NPPF states that 'planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.'
16. Policy ET/9 of the LDF relates to farm diversification. This policy states that 'well-conceived farm diversification schemes, where they are directly related to supporting a working farm, will be permitted if:
  - a. They are considered in scale with their rural location;
  - b. Existing buildings are re-used where possible, and if not replaced, in accordance with Et/7 and ET/8
  - c. Any new development is part of the existing group of buildings'
17. The policy also states that 'Applications must include a Farm Business Plan, to demonstrate how the proposal will support a working farm.'
18. Whilst the proposed A3 use is considered to be a 'town centre' use for the purposes of assessing impact on the vitality and viability of town centres. Paragraph 24 of the NPPF requires a sequential test to be undertaken where town centre uses are proposed not in town centre locations, where the proposal is not in accordance with an up to date Local Plan. Policy ET/9 is considered to accord with the principle of supporting sustainable economic growth and therefore officers are satisfied that, if the proposal complies with policy ET/9, a sequential test is considered unnecessary.
19. Following a request by officers and in light of the concerns expressed by the Parish Council, the applicant has provided a Business Plan which includes the profit and loss accounts of the farm enterprise for the last 3 years and also a projected account for the proposed A3 café use. The report states that the proposed café use would complement the existing retail use, to which it would be internally connected, with the A1 unit to operate as a farm shop.
20. For clarification, the Business Plan includes reference to an income stream from 'hay and straw' and the applicant has confirmed that this refers to the revenue from the wholesale pet supplies business. Income from all elements of the farm business have been factored into the figures included in the Business Plan.

21. The report indicates that the net farm profit between the financial years 2012-13 and 2013-14, net profit form (inclusive of subsidies and grants) the farm business reduced by approximately 30% and dropped again in the year 2014-15 by more than 30%. The report also highlights an increase in the costs associated with the operation of the business, which equates to approximately 20% over the past 3 years.
22. These figures are considered to demonstrate that the overall viability of the business has reduced in recent years, with net profits reducing and costs rising relatively substantially. It is considered that there is sufficient evidence to demonstrate that a development which would provide an additional income stream to the farm business would support the overall farming business. Given that it is the applicant's stated intention to run a farm shop from the A1 unit within the building, it is considered that the proposed A3 use would compliment this in enhancing the viability of the overall farm enterprise.
23. The Business Plan includes a reasoning behind the projected turnover from the café use, which is anticipated to exceed the profit levels of the farm business when compared to the last 2 years. The turnover is based on the café being open 6 hours a day, serving 6 customers an hour and an assumption that the average spend would be £5 per customer. Given the size of the floorspace to be converted, it is considered that these estimates are relatively conservative and therefore demonstrate that the income generated would make a substantial contribution to the income of the overall holding.
24. Vitality and viability of existing shops and villages
25. Policy SF/5 states that where goods are to be sold from sources that are not immediate to the site and the surrounding area, there is a need to demonstrate that the proposed development would not have an adverse impact on the viability of current enterprises within villages that provide a similar offer. Whilst it is acknowledged that a café is not a retail use, given the nature of the goods to be sold, it is considered reasonable to ensure that the proposal would be economically sustainable through allowing the facilities within village frameworks to remain viable.
26. The applicant has provided details of the farm and food shops within a radius of just over 5 miles of the site. This survey demonstrates that the only farm shop within that distance of the site is Bury Lane Farm Shop in Meldreth. The other units identified are conventional retail stores which provide a different offer to the café use linked to the farm shop as proposed in this application. As such, it is considered that the proposed development would not result in direct competition with units in the surrounding villages to the extent that there would be demonstrable harm to the vitality and viability of the shops and similar facilities which serve the neighbouring villages.
25. In relation to the overall principle of development, it is considered that the proposed change of use would result in economic benefit for the farm business and would not result in a significant intensification of the use of the site given that it has been operating as a B1 business use. Therefore, despite being located outside of the Fowlmere village framework and in the open countryside, the principal of the proposal is considered to meet the definition of sustainable development as defined within paragraph 7 of the NPPF, subject to an assessment of the residential amenity, landscape and highway safety impacts, which are considered in the following sections of this report.

### **Residential Amenity**

27. The objection received from the neighbouring resident raises concerns about the incremental development of the site. It is acknowledged that the activity on the site is greater than one would expect for an agricultural site. However, this is the lawful situation on a site which currently has extant planning permission for a combination of a B1 and an A1 unit. The partitioned building is set within relatively large grounds, within which sufficient parking spaces and areas for delivery vehicles to enter and leave the site can be accommodated.
28. The closest properties are approximately 80 metres to the east and south east of the site. Given this separation distance and that the extant permissions on the site, it is considered that the level of disruption caused by more frequent car journeys to the site would not be sufficient to warrant refusal of the change of use application. It is considered to restrict opening times of the café use and the times that deliveries can be made to the site to those which apply to the extant retail use on the site (0800 - 1800 Monday to Saturday, 1000 – 1600 Sundays and Bank Holidays). This would further reduce the impact of the development on the residential amenity of the neighbouring properties.
29. The EHO has raised no objections to the proposals in terms of noise or odour emissions. It is recommended that details of the location and specification of the extraction system to be installed to serve the café kitchen be secured by condition.
30. The proposal involves minor changes to the external elevations of the building but the scheme would not increase the height or footprint of the existing structure. There would be no unreasonable impact through overshadowing or other harm to the living conditions of adjacent dwellings arising from this proposal therefore.
31. It is considered reasonable to tie the hours of operation of the proposed café use to those of the A1 retail unit. This restriction shall be secured by condition and this would prevent noise associated with customers visiting the site and deliveries been taken and/or dispatched and more noise sensitive an anti-social times of the day. This restriction would further limit the impact of the proposal on the residential amenity of the neighbouring properties.

### **Surrounding countryside**

32. The proposed development involved only minor changes to the exterior of the building, which is set in a large curtilage which has a gravelled surface. A condition is recommended to control external lighting which may be required for the car parking area in particular, to ensure that the amount and level of lighting would not have an adverse impact on the character of the countryside. The proposal would not result in any adverse impact on the character of the surrounding countryside therefore.

### **Highway safety and parking**

33. The floor area of the building to be converted to the café use is 148 square metres. The Development Control Policies DPD requires 1 space for every 5 square metres of floorspace for such a use. This would amount to 30 spaces to serve the proposed development, with 1 cycle parking space per 10 metres squared, equating to 15 in this case. Given that the area to the rear of the building is in excess of 25 metres deep, it is considered that there is sufficient space to accommodate these requirements, alongside the parking requirements associated with the permitted A1 retail use.
34. The Local Highway Authority has raised no objections to the proposal, which would utilise the existing access to the site. It is considered that the type of vehicles

accessing the site in association with the proposed use are likely to be smaller than some of the vehicles associated with the bulk order purchasing operation which currently exists on the site. As such, it is considered that the proposals would not have an adverse impact on highway safety.

### **Conclusion**

35. The proposed change of use is considered to be acceptable in principle given that the site currently accommodates B1 and A1 uses. The proposal has been supported by a Business Plan which demonstrates that the farm would become more viable as an enterprise with the additional income stream generated by the proposed use. The proposals would not result in a detrimental impact on the vitality or viability of the facilities in adjacent villages, the residential amenity of neighbouring properties or highway safety. It is therefore considered that the proposal accords with relevant nation and local planning policies.

### **Recommendation**

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

### **Conditions**

- 37.
- (a) 3 year time limit
  - (b) In accordance with the approved plans
  - (c) Details of materials to be used in external works
  - (d) Details of extraction system to be submitted and approved
  - (e) Details of the location of car and cycle parking spaces
  - (f) Removal of permitted development rights for change of use
  - (g) Restriction on the hours of operation (to be the same as those approved for the retail use on the site – 0800-1800 Monday to Saturday 1000 to 1600 Sundays and Bank Holidays)
  - (h) Details of foul water drainage
  - (i) Details of surface water drainage

### **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/2403/15/FL

### **Report Author:**

David Thompson  
Telephone Number:

Principal Planning Officer  
01954 713250

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# Agenda Item 13



**REPORT TO:** Planning Committee  
**LEAD OFFICER:** Planning and New Communities Director

11 May 2016

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## Enforcement Report

### Purpose

1. To inform Members about planning enforcement cases, as at 20<sup>th</sup> April 2016. Summaries of recent enforcement notices are also reported, for information.

### Executive Summary

2. There are currently 81 active cases (Target is maximum 150 open cases, Stretch target 100 open cases).
3. Details of all enforcement investigations are sent electronically to members on a weekly basis identifying opened and closed cases in their respective areas along with case reference numbers, location, case officer and nature of problem reported.
4. Statistical data is contained in Appendices 1, and 2 to this report.

### Updates to significant cases

5. (a) **Stapleford:**  
Breach of Enforcement Notice on Land adjacent to Hill Trees, Babraham Road. Following continuing breaches of planning at this location an Injunction was approved by the High Court 17<sup>th</sup> November 2015, The compliance period to remove unauthorised vehicles and to cease unauthorised development represented by the commercial storage, car sales and non consented operational works that have occurred there was by January 26<sup>th</sup> 2016. An inspection of the land on the 26<sup>th</sup> January 2016 revealed that the unauthorised motor vehicles, trailers, caravans etc. had along with the unauthorised track been removed from the land as required by the Injunction. The displaced vehicles have now been moved onto land at Little Abington owned by the occupier of Hill Trees and onto land adjacent to Hill Trees that belongs to Gonville and Caius College, Cambridge. Both parcels of land are the subject of extant enforcement notices. Currently advice has been sought through Counsel on the most effect route in dealing with this displacement and on balance it is felt that a High Court injunction, particularly given the recent successful outcome at Hill Trees and related planning history, including various unsuccessful challenges, is made to remedy the identified breaches.

- (b) **Smithy Fen:**  
 Application received for the change of use of plot 11 Orchard Drive to provide a residential pitch involving the siting of 1 mobile home and one touring caravan, an amenity building for a temporary period until 2 May 2018. The application has in accordance with section 70C of the Town & Country Planning Act 1990 been declined. The applicants have applied for permission for a Judicial Review.  
 Permission granted by the Honourable Mrs Justice Patterson DBE, Grounds to resist being filed both by the Council and by the Secretary of State for Communities and Local Government as second defendant. The Judicial review which was set for 29th October 2015 has taken place at the High Court of Justice, Queens Bench division, Planning Courts before The Honourable Mr Justice Lewis. The judgement was handed down on the 22nd January 2016 in favour of the Council. The judicial review claim was accordingly ordered to be dismissed.  
 The Claimant had lodged an application for permission to appeal but this was refused 25th January 2016. Notwithstanding the refusal of permission to appeal by the Planning Court at first instance, the claimant has now applied to the Court of Appeal for permission to appeal the Judicial Review outcome from January
- (c) **Sawston – Football Club**  
 Failure to comply with pre-commencement conditions relating to planning reference S/2239/13 – Current site clearance suspended whilst application to discharge conditions submitted by planning agent. Application to discharge pre-commencement conditions received and subsequently approved for conditions 3, 4 and Boundary Treatment – Conditions, 6,7,14,22,23,25,26,27,28,29,30,31,32 and 33 have now also been discharged. Following an application for a Judicial Review regarding the stadium, the Judicial review has taken place at the High Court of Justice, Queens Bench division, Planning Courts. The judgement was handed down and reported on the 15th January 2016 in favour of the Council. The judicial review claim was accordingly ordered to be dismissed. The Claimant in this JR has now applied to the Court of Appeal for permission to appeal the decision of Mr Justice Jay. Counsel have been made aware and await the decision of the Court
- (d) **Caxton**  
 Land and property at Swansley Wood , St Neots Road, Caxton Unauthorised use of the area to the north of the land for the storage of containers contrary to the requirements of condition 1 of planning permission Reference No: S/2391/12/12/VC. Enforcement notice issued 31<sup>st</sup> march 2016. Appeal application submitted waiting validation by the Planning Inspectorate.
- (e) **Fulbourn – Barnsbury House, Coxs Drove**  
 Unauthorised material change of use from a dwelling house (C3) to commercial leisure accommodation (Sui generis) Planning application submitted and subsequently appealed. Waiting Planning Inspectors decision

### **Effect on Strategic Aims**

6. South Cambridgeshire District Council delivers value for money by engaging with residents, parishes and businesses. By providing an effective Enforcement service, the Council continues to provide its residents with an excellent quality of life.

### **Background Papers:**

7. The following background papers were used in the preparation of this report:

Appendix 1

Appendix 2

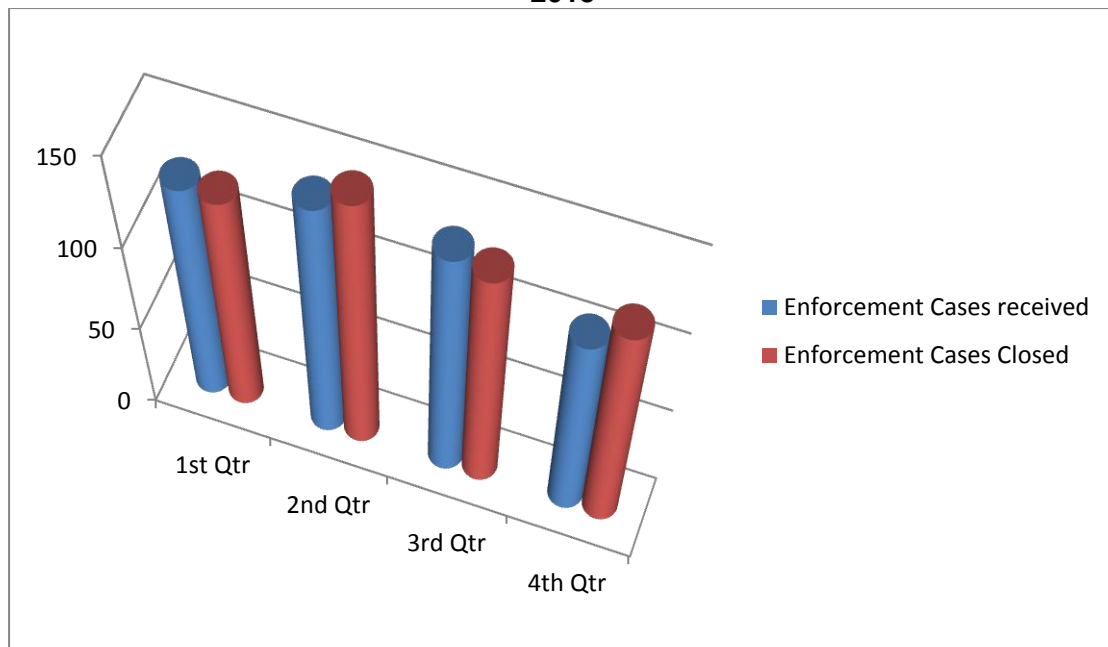
**Report Author:** Charles Swain – Principal Planning Enforcement Officer  
Telephone: (01954) 713206

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Enforcement Cases Received and Closed

Month – 2016	Received	Closed
January 2016	43	41
February 2016	45	42
March 2016	39	42
<b>Total 1<sup>st</sup> Qtr.</b>	<b>127</b>	<b>125</b>
1 <sup>st</sup> Qtr. 2015	127	126
2 <sup>nd</sup> Qtr. 2015	139	148
3 <sup>rd</sup> Qtr. 2015	135	130
4 <sup>th</sup> Qtr. 2015	110	123
<b>2015 YTD</b>	<b>511</b>	<b>527</b>
<b>2014 YTD</b>	<b>504</b>	<b>476</b>

2015



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Notices Served and Issued

1. Notices Served

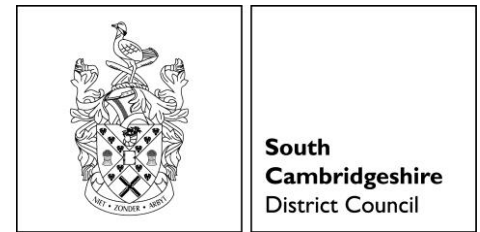
Type of Notice	Period	Calendar Year to date
	March 2016	2016
Enforcement	3	6
Stop Notice	0	0
Temporary Stop Notice	1	1
Breach of Condition	0	0
S215 – Amenity Notice	0	0
Planning Contravention Notice	0	0
Injunctions	0	0
High Hedge Remedial Notice	1	2

2. Notices served since the previous report

Ref. no.	Village	Address	Notice issued
SCDC ENF009400	Caxton	Titan Box Containers, Swansley Wood	Enforcement Notice
SCDC ENF009589	Fulbourn	Barnsbury House, Cox's Drove	Enforcement Notice
SCD ENF009698	Cambourne	37 Bisley Crescent	Enforcement Notice
SCD ENF9703	Waterbeach	Morris Homes Land West of Cody Road	Temporary Stop Notice
SC/0002/16/HH	Impington	19 Impington Lane	High Hedge Remedial Notice

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# Agenda Item 14



**REPORT TO:** Planning Committee  
**LEAD OFFICER:** Planning and New Communities Director

11 May 2016

## Appeals against planning decisions and enforcement action

### Purpose

1. To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as of 25 April 2016. Summaries of recent decisions of importance are also reported, for information.
2. **Decisions Notified By The Secretary of State:**

Ref.no	Address	Detail	Decision & Date
S/1396/15/FL	Spinney Hill Farm Newton Road Whittlesford	Change of use from small agricultural holding to burial ground, demolition of existing structures and erection of new remembrance hall with associated parking and landscaping	Dismissed 24/03/2016
S/0619/15/FL	3 The Crescent Impington	Dwelling	Allowed 30/03/2016
S/1651/15/FL	The Old Dairy Manor Farm Miller Way Grantchester	Erection of new garage and studio building	Dismissed 06/04/2016
S/1652/15/LB	The Old Dairy Manor Farm Miller Way Grantchester	Listed Building Application: Erection of new garage and studio building	Dismissed 06/04/2016
S/0916/15/FL	Thatchways Little Green Guilden Morden	Demolition of kennel/cattery, and ancillary buildings, erection of detached single storey two bed dwelling	Allowed 06/04/2016
S/2136/15/FL	36 Moorfield Road Duxford	Alterations & 2 storey front & rear extensions to dwelling	Allowed 08/04/2016
S/1499/15/FL	38 High Street Foxton	Proposed erection of a new two storey 3 bedroom dwelling house	Dismissed 08/04/2016
S/1031/15/FL	Meadowside Lodge Olmstead Green Castle Camps	Erection of dwelling following demolition of existing bungalow	Dismissed 08/04/2016
S/1265/15/FL	37 Bisley Crescent, Cambourne	Conversion of garage to habitable accommodation (retrospective)	Dismissed 13/04/2016
S/1103/15/FL	45 North Road, Great Abington	Removal of unauthorised single storey extension replaced with two storey side extension	Dismissed 14/04/2016

S/307915/FL	45 Cambridge Road, Milton	Two storey rear extension	Dismissed 15/04/2016
S/2248/14/OL	Land Parcel COM4 Neal Drive Orchard Park	Outline planning application for the erection/development of 132 flats	Dismissed 18/04/2016
S/2975/14/OL	Land Parcel COM4 Neal Drive Orchard Park	Outline planning application for the erection/development of 42no apartments and 82no units for an Apart/Hotel with a restaurant and gym facilities	Allowed 18/04/2016
S/2248/14/OL S/2975/14/OL	Land Parcel COM4 Neal Drive Orchard Park	Cost Application by Kings Hedges Investments Ltd	Application Refused 18/04/2016
S/1102/15/FL	5 Icen Way Orchard Park	Change of Use from house in multiple occupation (C4) to large house in multiple occupation (sui generis) including extension and external & internal alterations	Dismissed 21/04/2016

3. **Appeals received:**

Ref. no.	Address	Details	Appeal Lodged
S/2889/15/FL	Leylands Highfields Road Caldecote	New Dwelling	30/03/2016
S/0564/15/FL	64 Barton Road Comberton	New dwelling & ancillary access arrangements	08/04/2016
S/3235/15/FL	11 New Road Guilden Morden	Side Extension & Porch to Dwelling	11/04/2016
S/0165/16/FL	19 Hinton Way Great Shelford	Extension to house to form new dwelling	13/04/2016
ENF/0458/15 S/2391/12/VC	Swansley Wood St Neots Road Caxton	Appeal against Enforcement Notice SCD-ENF-009400 breach of planning control – storage of containers contrary to condition 1 of S/2391/12/VC	18/04/2016
S/2870/15/OL	Land at Mill Road Over	Construction of up to 55 dwellings with associated access, infrastructure and open space	22/04/2016
S/0308/14/FL	Barn Farm East Hatley	Erection of a dwelling	22/04/2016

4. **Local Inquiry and Informal Hearing dates scheduled:**

Ref. no.	Name	Address	Hearing/Inquiry
PLAENF.1663	Mr B Arliss	Riverview Farm Overcote Road Over	Enforcement Inquiry 26/04/16 Confirmed

PLAENF.1671	Mr Andrew Kyprianou	34 Mingle Lane Stapleford	Enforcement Hearing 11/05/16 Confirmed
S/2868/15/FL	C T W Stalley & Sons	Land off Babraham Road Fulbourn	Hearing 07/06/16 Confirmed
S/0677/15/OL	C H Neal & Sons	Land south of Kettles Close Oakington	Hearing 21/06/16 Confirmed
S/1527/15/FL	Mrs B England	The Three Tuns 30 High Street Guilden Morden	Hearing 28/06/16 Confirmed
S/0892/15/LD	Mr M Dwyer	Managers Accommodation Enterprise Nurseries Waterbeach	Inquiry 05/07/16–06/07/16 Confirmed
S/2791/14/OL	Endurance Estates Strategic Land Ltd	East of New Road Melbourn	Inquiry 12/07/16–14/07/16 Confirmed
S/2273/14/OL	Mr D Coulson	Land at Teversham Road Fulbourn	Inquiry 13/09/16-16/09/16 & 20/09/16-21/09/16 Confirmed

**Contact Officer:** Julie Baird – Head of Development Control

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