

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

4 October 2017

**AUTHOR/S:** Joint Director for Planning and Economic Development

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<b>Application Number:</b>	S/3543/16/FL
<b>Parish(es):</b>	Great Abington
<b>Proposal:</b>	Full application for 45 dwellings, community orchard and children's play area
<b>Site address:</b>	Land to the south of Linton Road, Great Abington
<b>Applicant(s):</b>	Hill Residential Ltd
<b>Recommendation:</b>	Delegated approval (to complete section 106 agreement and agreement from the County Council of the archeologically investigation study)
<b>Key material considerations:</b>	Five year supply of housing land Principle of development Density of development Affordable housing (including viability considerations) Loss of agricultural land Impact on the character of the area and landscape Highway safety Noise from adjacent dog kennels Residential amenity of neighbouring properties Surface water and foul water drainage Trees Ecology Provision of formal and informal open space Section 106 Contributions Cumulative impact when taken with other committed schemes in the area and prematurity
<b>Committee Site Visit:</b>	Yes 3 October 2017
<b>Departure Application:</b>	Yes (advertised 4 January 2017)
<b>Presenting Officer:</b>	Rebecca Ward, Principal Planning Officer
<b>Application brought to Committee because:</b>	Approval of the planning application would represent a departure from the Local Development Framework.
<b>Date by which decision due:</b>	06 October 2017 (Extension of time agreed)

## **Executive Summary**

1. Given the fact that the Council cannot currently identify a five year supply of housing land, in accordance with the guidance in paragraph 14 of the NPPF, in balancing all of the material considerations, planning permission should be granted unless the harm arising from the proposal would 'significantly and demonstrably' outweigh the benefits.
2. The application has been submitted as a full planning application (all details included) with intentions to deliver the scheme within a five year period. The proposed development would provide a significant number and mix of dwellings. Twenty-one of which would be affordable units. This is a benefit that should be given significant weight and importance in the determination of the planning application in accordance with the advice in the NPPF.
3. The emerging Local Plan Policy H/1(i), which is a parish-led proposal seeks to allocate the site for residential development, can also be given great weight in the determination of this planning application given its stage in preparation, the resolved objections and the degree of consistency with the national framework to supply housing to meet the needs of present and future generations.
4. The layout, design and scale of the development are considered to be acceptable, allowing for a reasonable the level of public open space within the development that would fit into the local area. The developer has also introduced bungalows into the scheme to respond to the local need. The density of the development will make the best use of the land.
5. There will be some benefit to the local economy including the use of services in the village as a result. The construction stages will also attract short term employment opportunities, albeit this would be more limited given the size of the scheme.
6. The proposal would retain a significant proportion of the hedgerows along the frontage of the site and would supplement the landscaping on the boundaries of the site with the open countryside. Therefore some limited harm would be caused to the character of the landscape and loss of agricultural land. However, suitable conditions can be imposed to help mitigate the identified impacts.
7. During the consultation process concerns were raised by Westlodge Dog and Cattery Kennels and the Parish Council in regards to the noise impact the kennels could have on the future residents and whether sufficient information had been submitted to ensure there would be no future complaints. In response, the applicants submitted a further noise study to underpin their previous findings and through the Design Enabling Workshop, the dwellings/open space have been clarify located with relevant mitigation to ensure any noise impacts are kept to a minimum. Based on the information submitted with the application the Councils Environmental Health Officer does not consider there would be any unacceptable adverse impact in accordance with policy NE/15.
8. Overall, it is considered that the environmental, economic and social benefits arising from the contribution the proposal would make to the deficit in the Council's five year housing land supply and the significant need for affordable housing and provision of community orchard; and the other limited economic benefits would clearly outweigh the potential landscape and environmental dis-benefits.
9. None of the environmental dis-benefits are considered to result in significant and

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

### **Relevant Planning History**

10. Modification to Emerging Local Plan (November 2016) to include planning policy H/1(i) for the development of this site for an indicative amount of 35 dwellings - currently under consideration by the Planning Inspectorate for adoption  
Pampisford Road, Great Abington S/3181/15/FL - Erection of 20 Dwellings, Associated Access and Landscaping - Approved  
  
Strawberry Farm, Great Abington S/1433/16/OL - Outline application for Residential Development of up to 8no. Dwelling including Access - Delegated approval subject to completion of S106 agreement

### **National Guidance**

11. National Planning Policy Framework 2012 (NPPF)  
Planning Practice Guidance
12. **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.
13. **South Cambridgeshire LDF Core Strategy DPD, 2007**  
ST/2 Housing Provision  
ST/6 Group Villages

### **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  
CH/2 Archaeological Sites  
CH/5 Conservation Area  
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

14. **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  
Development Affecting Conservation Areas SPD – Adopted January 2009

15. **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/10 Group Villages  
HQ/1 Design Principles  
H/1(i) Site Allocation Linton Road, Great Abington  
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/7 Water Quality  
CC/8 Sustainable Drainage Systems  
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**

16. **Great Abington Parish Council** – Updated comments following amendments dated August 2017: The Parish Council supported the amendment and made no comments

Initial comments dated 30 January 2017: The parish council recommend refusal. In summary the following key reasons were raised:

- Acoustic modelling had not adequately taken into consideration of the worst case in terms of noise from the kennels
- Greater variation on house designs

- Footpath to the allotments should be well lit
- The parish was in favour of the development on this site if these issues could be addressed adequately.

17. **District Council Environmental Health Officer** - From the information supplied in the noise reports (including the amendment in June 2017) a significant adverse impact is not predicted to occur from the noise from the Westlodge kennels to the occupiers of the proposed development. Subject to the recommended mitigation measures approval would be in line with para 123 of the NPPF and NE/15 of the Local Development Framework.

A compliance condition should be applied to the decision notice to protect residents from noise disturbance in accordance with Policy NE/15 of the adopted Local Development Framework 2007.

Other standard conditions area also proposed:

- Lighting scheme
- Construction Management Plan
- Hours of operation
- Piling construction
- Minimise spread of air bourn dust
- Bonfires and burning waste
- Scheme for protecting the dwellings from road noise

18. **District Council Urban Design Officer and Conservation Officer** - Updated comments following amendments August 2017: Minor amendments have been made to the layout / house types etc. to address my concerns, which will improve the amenity of future residents. I do not object to this application.
19. **District Council Landscape Design Officer** - Updated comments following amendments August 2017: Recommendation - Approval subject to additional landscape mitigation works. Amended drawings Illustrative Landscape Plan 5784.02.001 Rev 01 & Boundary Treatment Plan 5784.02.003 Rev 01 I welcome the changes undertaken by the applicant However, applicant to include a native mixed hedgerow upon the western boundary. The site is set within a rural location and a hedgerow is a typical characteristic within the area. I have also included marked up drawings for your consideration.
20. **District Council Sustainability Officer** - No objections, subject to compliance with the agreed details.
21. **Cambridgeshire County Council Local Highway Authority** - Updated comments following amendments: Drawing number PL02 Rev B showing the required visibility splays is acceptable to the Local Highway Authority. The following conditions have been recommended:
- Traffic management plan
  - Access made from a bound material
  - Levels are such that no private water is directed on to the public highway
  - Footpath connection onto Cambridge Road
  - Informative
22. **Cambridgeshire County Council Historic Environment Team (Archaeology)** – Awaiting response - update to be provided

23. **Cambridgeshire County Council Flood & Water Team** - Following further correspondence with the applicant and the submission of additional details to clarify the drainage proposals; the applicant has demonstrated that surface water can be dealt with on site by using infiltration features. As Lead Local Flood Authority (LLFA) we are now content to remove our objection on this application. The following conditions are recommended:
- Surface water drainage scheme
  - Maintenance and Management Plan
24. **District Council Drainage Engineer** – Accepts the development subject to the imposition of conditions to cover the following:
- Surface water drainage scheme
  - Maintenance and management plan
25. **Environment Agency** - The site is identified as being over a Major Aquifer and within a Source Protection Zone. Care must be taken pre and post construction to prevent contaminants entering controlled waters. Whilst the Agency has no objection in principle to the proposed development we wish to offer the following recommendations and informatives :
- Surface water drainage
  - Foul water drainage
  - Pollution prevention
  - Contaminated water
26. **Scientific Contaminated Land Officer** - Condition relating to contaminated land is not required
27. **Anglian Water** - Linton Water Recycling Centre will have available capacity to take these flows. We would request a condition requiring a foul water drainage strategy.
28. **Affordable Housing Officer** – No comments received to date
29. **Cambridgeshire County Council Growth Team** -  
Early Years - No contributions - sufficient capacity  
Primary Years - No contributions - sufficient capacity  
Secondary School - No contributions – sufficient capacity  
Libraries and Lifelong learning - Spaces available  
Strategic Waste – Full, however, contributions cannot be taken as 5 pooled contributions have been taken towards a project
30. **District Council Ecology Officer** – No objections to the application subject to the imposition of the following conditions:
- Birds nesting
  - Precautionary method statement for working with reptiles
  - Biodiversity enhancement
31. **District Council Tree Officer** – No objections to the application in principle subject to a condition for compliance with the Tree Protection Plan.
32. **Cambridgeshire Fire and Rescue** - No objections, however, provision for fire hydrants to be secured
32. **NHS England** - In relation to this Planning application (S/3543/16/FL- Linton Road, Great Abington - 45 proposed dwellings) NHS England Midlands and East (East) can

advise that due to the scale of this proposed development and premises capacity in the area; there is not an intention to seek Primary Healthcare mitigation on this occasion. NHS England would therefore not wish to raise an objection to the proposed development. Other future applications in the area however will be considered as and when they arise.

### **Representations**

33. Five letters of objection have been received from third parties. In summary, the following material considerations have been raised. Copies of the objection letters can be found on the planning file.
- Application does not comply with the emerging allocation policy H/1(i) – exceeds housing allocation
  - Site is not allocated in the adopted Local Plan
  - Site was not put forward in 2014 when the original Local Plan was submitted
  - Highway safety concerns and speeds of vehicles with junction onto the A1307
  - Fewer homes are required taking into account surveys in the village
  - Footpath should be removed from the green verge to the front of No.10 as it will result in unwanted noise
  - Concerns with a new footpath and safety of pedestrians from exiting cars.
  - Noise from Kennels on Linton Road is considerable when there is a prevailing wind
  - Concern that new residents would complain about the noise from the kennels
  - Acoustic report (Cass Allen) is not broad enough (further variations of noise recordings should be taken on year, day, time) and worse case scenario has not been explored
  - Kennels is a valued service/facility and thriving local business
  - If sound proofing kennels were to be implemented our objections would fall away
  - Should permission be granted for this development, the noise from the kennels will give rise to complaints from future residents.
  - Concern about the impact of noise to the community orchard
  - Mitigation measure not sufficient
  - Unacceptable noise levels and therefore policy NE/15 is not satisfied

### **Site and Surroundings**

34. The site is located outside of the Great Abington village development framework boundary and in the countryside. The only constraint on the site itself is that it's a Grade 2/3 agricultural land. The site lies within a Flood Zone 1 area.
35. Adjacent to the site on the eastern boundary is a grouped Tree Preservation Order that seeks to protect an avenue of Beech, Sycamore and Elm Trees. The site is not within the Conservation Area, nor is there any close-by Listed Buildings. On the opposite side of the road from the site, lies Westlodge Dog and Cattery Kennels beyond which is the A1307.

### **Proposal**

36. The applicant seeks full planning permission for the erection of 45 dwellings (including 21 affordable homes), community orchard and children's play area. The vehicle access will be from Linton Road.
37. The application is accompanied by technical drawings, Archaeological evaluation, LVIA, Heath Impact Assessment, Travel Plan, Transport Statement, Statement of

Community Involvement, Planning Statement (including Sustainability Statement), Noise Assessment, Planting Schedule, Flood Risk Assessment, Drainage Strategy, Design and Access Statement, Renewable Energy Statement and Contamination Report.

### **Planning Assessment**

38. The key issues to consider in the determination of this application in terms of the principle of development is the weight to be applied to the emerging allocation, the implications of the five year supply of housing land deficit on the proposals and whether the proposal is considered to meet the definition of sustainable development.
39. An assessment is required in relation to the impact of the proposals on the character of the surrounding landscape, street-scene, highway safety, the residential amenity of neighbouring properties, noise impacts, surface water and foul water drainage capacity, the provision of formal and informal open space and other section 106 contributions.
40. Consideration also needs to be given to the cumulative impact of the development following the approval of other sites in the area.
41. The application was amended in July 2017 to mitigate the concerns from consultees and local residents. The key changes included:
  - Amendments to the layout/design of units
  - Flood risk details
  - Visibility splays
  - Additional noise recordings and updated report

### **Principle of Development**

Emerging allocation policy

42. Paragraph 216 of the national framework states that from the day of publication, decision takers may also give weight to the relevant policies in the emerging plan according to; their stage in preparation, the extent of unresolved objections, the degree of consistency with relevant policies in the emerging plan to the policies in the national framework.
43. The site was put forward as one of the Council's major modifications to the emerging Local Plan (March 2016). The policy went through the statutory consultation process. Emerging policy H/1(i) seeks to secure the provision of 35 residential units on the site. Great Abington Parish Council put this allocation forward to meet identified local housing need. The policy was examined at a public inquiry in June 2017 by the inspector appointed by the Secretary of State. The outcome of the Local Plan is expected Autumn/Winter 2017.
44. Whilst not adopted, the emerging Local Plan is at an advanced stage of preparation by the district council and therefore can be considered to offer more policy weight when decision-taking in accordance with para 216 of the national policy. The only unresolved objections to the emerging allocation relates to a 'parish-led' approach. Concerns about the capacity local infrastructure were also raised, however, this matter has been fully considered within this decision.
45. For these reasons, it is considered that great weight can be given to the proposed allocation in determining this planning application. Whilst application exceeds the amount set in the allocated policy from 35 to 45 residential units the allocation is an



indicative amount. Policy H/1 states that the number of homes granted planning permission on a site may be higher or lower than the indicative capacity and this is to be determined through a design-led approach.

#### Five-year housing land supply

46. 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.
47. Notwithstanding the fact the site has been allocated for residential development in the emerging Local Plan, the Council also accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 4.1 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 March 2017). 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. 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. The affected policies which, on the basis of the legal interpretation of "policies for the supply of housing" which applied at the time of the Waterbeach decision were: 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 considered policies "for the supply of housing".
49. 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 and held that the term was 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 in the adopted Development Plan which have the potential to restrict or affect housing supply may be considered out of date in respect of the NPPF.
50. The decision of the Court of Appeal tended to confirm the approach taken by the inspector who determined the Waterbeach appeal. As such, as a result of the decision of the Court of Appeal, policies including policy ST/6 of the Core Strategy and policies DP/1 (a) and DP/7 of the Development Control Policies DPD fell to be considered as "relevant policies for the supply of housing" for the purposes of the NPPF para 49 and therefore out of date.
51. However, the decision of the Court of Appeal has since been overturned by the Supreme Court in its judgement dated 10 May 2017. The principal consequence of the decision of the Supreme Court is to narrow the range of policies which fall to be

considered as “relevant policies for the supply of housing” for the purposes of the NPPF. The term “relevant policies for the supply of housing” has been held by the Supreme Court to be limited to “housing supply policies” rather than more being interpreted more broadly so as to include any policies which “affect” the supply of housing, as was held in substance by the Court of Appeal.

52. The effect of the Supreme Court’s judgement is that policies ST/6, DP/1(a) and DP/7 are no longer to be considered as “relevant policies for the supply of housing”. They are therefore not “out of date” by reason of paragraph 49 of the NPPF. None of these adopted policies are “housing supply policies” nor are they policies by which “acceptable housing sites are to be identified”. Rather, together, these policies seek to direct development to sustainable locations. The various dimensions of sustainable development are set out in the NPPF at para 7. It is considered that policy ST/6, DP/1(a) and DP/7 and their objectives, both individually and collectively, of securing locational sustainability, accord with and furthers the social and environmental dimensions of sustainable development, and therefore accord with the Framework.
53. However, given the Council cannot demonstrate a five year supply of housing land, its policies remain out of date “albeit housing supply policies” do not now include policies ST/6, DP/1(a) and DP/7. As such, and in accordance with the decision of the Supreme Court, para 14 of the NPPF is engaged and planning permission for housing should be granted, *inter alia* “unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole ...”
54. This means that even if policies are considered to be up to date, the absence of a demonstrable five year housing land supply cannot simply be put to one side. Any conflict with adopted policies ST/6, DP/1(a) and, DP/7 is still capable of giving rise to an adverse effect which significantly and demonstrably outweighs the benefit in terms of housing delivery of the proposed development in terms of a residential-led development cannot simply be put to one side. The NPPF places very considerable weight on the need to boost the supply of housing, particularly affordable housing, particularly in the absence of a five year housing land supply. As such, although any conflict with adopted policies ST/6, DP/1(a) and, DP/7 is still capable, in principle, of giving rise to an adverse effect which significantly and demonstrably outweighs the benefit of the proposed development, any such conflict needs to be weighed against the importance of increasing the delivery of housing, particularly in the absence currently of a five year housing land supply.
55. A balancing exercise therefore needs to be carried out. As part of that balance in the absence of a five year housing land supply, considerable weight and importance should be attached to the benefits a proposal brings in terms of the delivery of new homes (including affordable homes). It is only when the conflict with other development plan policies – including where engaged policies ST/6, DP/1(a) and DP/7 which seek to direct development to the most sustainable locations – is so great in the context of a particular application such as to significantly and demonstrably outweigh” the benefit in terms of the delivery of new homes that planning permission should be refused.
56. This approach reflects the decision of the Supreme Court in the *Hopkins Homes* appeal.
57. 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.

58. The site is located outside the Great Abington village framework, in the open countryside, where policy DP/7 of the LDF states that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. Development in Group Villages (the current and emerging status of Great Abington) is normally limited under policy ST/6 to schemes of up to an indicative maximum of 8 dwellings. By proposing 45 dwellings, the scheme would conflict with the above policies.
59. Whilst the proposal would conflict with these adopted policies, given that policy H/1(i) has allocated the site for housing, the proposed scheme would be in accordance with this emerging policy. Technically the Council has therefore already accepted that the site meets the definition of 'sustainable development' in accordance with the national framework.
60. Notwithstanding this, the principal consideration is that the NPPF requires development to be assessed against the definition of sustainable development. Specifically in relation to the size of development in or on the edge of Group Villages, the Inspector in the recent Over appeal decision (18 January 2017) stated that '...the strict application of the existing settlement hierarchy and blanket restriction on development outside those areas would significantly restrain housing delivery.....this would frustrate the aim of boosting the supply of housing.'
61. In light of the above, it is not appropriate, in the case of all Group Villages, to attach the same weight to policy DP/7 and DP/1(a) in the 'blanket' way. It is necessary to consider the circumstances of each Group Village to establish whether that village can accommodate sustainably (as defined in the NPPF) the development proposed, having regard in particular to the level of services and facilities available to meet the needs of that development. Similarly, each planning application must be assessed on its own merits.
62. The proposals are assessed below against the social and economic criteria of the definition of sustainable development.

### **Environmental Sustainability**

#### **Loss of agricultural land**

63. 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; land is allocated for development in the Local Development Framework and sustainability considerations and the need for the development are sufficient to override the need to protect the agricultural value of the land.
64. The site is not allocated for development in the adopted Local Plan, however, an allocation of housing has been proposed by the Council in the emerging Local Plan. Whilst not adopted at this stage, both the Parish Council and District Council have recognised the need for housing in this location overrides the loss of the agricultural field. It is considered that compliance with NE/17 should therefore be afforded limited weight.

#### **Impact on local character and wider landscape**

65. The site is located on the edge of the village framework with the built up part of Great Abington to its western boundary and open agricultural fields to the east and south. The site is currently an open agricultural field. Along Linton Road, the site has an established hedgerow, which also contains a number of tall mature trees this gives the approach into Great Abington a strong rural feel. The other boundaries of the site are also well established with native plant species.
66. Development of the proposed scale would impact on the current open and undeveloped character when viewed in the immediate locality; however, when taking into account the wider character/setting of Great Abington (including its Conservation Area) the impact would be more limited. Landscape enhancement features and the low-density scale of development will mitigate the harm to a degree. The principle of housing on the site is therefore supported in accordance with DP/2 and DP/3 of the adopted Local Development Framework that seek to preserve the character and appearance of the area and landscape character.
67. The development would also continue to preserve the character of the Conservation Area in accordance para.138 of the national framework and policy CH/5 of the adopted Local Plan.

#### Ecology enhancements

68. In terms of ecology, the national framework requires there to be a net gain in biodiversity on the development sites. The majority of trees/hedgerows will be retained as part of the proposal. Areas where they are being removed, replacement native species will be added. Additional features such as the orchard area and ponds should also aid in offsetting the impact of the development. A condition will be added to any consent for a scheme of ecological enhancement.

### **Social Sustainability**

#### Supply of Market and Affordable Housing

69. 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.
70. The development would provide a clear benefit in helping to meet the current housing shortfall in South Cambridgeshire through delivering up to an additional 45 residential dwellings, 40% of these units (18) will be affordable.
71. Ensuring that the housing mix of the market dwellings complies with emerging policy H/8 (being afforded more weight than the existing policy due to compliance with the NPPF and the nature of the unresolved objections to the policy).
72. The mix for market housing is ; 7 (26%) x 2 bedrooms, 10(40%) x 3 bedroom units and 10 (40%) x 4/5 bedroom units. The scheme would fall short in meeting the requirement for the smaller market units, however, given the site is providing some bungalows to respond to the local need, that is not a requirement of the policy, the strict application of the housing mix ratio should be given some flexibility in this instance.
73. Officers are of the view the provision of 45 additional houses, including the affordable dwellings, is a benefit and significant weight should be attributed to this in the decision making process, particularly in light of the Housing Officer's confirmation that there is a

demonstrable need for affordable housing in Great Abington and Little Abington (29 people with a local connection and roughly 1700 people district wide on the district wide register).

#### Accessibility to Services and Facilities

74. Future occupants of the proposed dwellings on the site would have easy access by walking and cycling to facilities within the village such as the primary school, shop, church, public house, café, village hall and recreation ground.
75. In Great Abington, bus services run every 30 minutes to Cambridge and Haverhill (Service 13); it also serves Linton (adjacent minor rural centre). The proposed dwellings would also have easy access by walking and cycling to the nearby employment site of Granta Park just outside the village but very close to the application site. Great Abington does not contain a secondary school, health centre or a larger food store; however these services are found in Linton, which is readily accessible by public transport. Residents would not therefore have to rely upon the private car to access the majority of their everyday needs.
76. There is no evidence to suggest the existing services are at capacity. Furthermore, the provision of additional housing will bring some, albeit limited, economic benefit to some of the existing services.

#### Education provision

77. When coming to their recommendations the County Council have had regard to the cumulative impact of the development of 20 dwellings approved under reference S/3181/15/FL to the north of Pampisford Road together with the proposed development of 45 residential units at this site. Consideration would have also been given to the wider catchment area for Linton Secondary School.
78. Despite this increase, both early years and primary years would have sufficient space for future students of the developments. Therefore no contributions have been requested. The catchment secondary school Linton has sufficient capacity to take on students from the proposed development.

#### Health care provision

79. Linton Health Centre that is now part of Granta Medical Practices serves Great Abington. NHSE has not sought any contributions from any of the proposals in Linton as there is sufficient capacity. Given the cumulative impact of the development, officers have consulted a representative who has confirmed the position remains that same and that no contributions are required.

#### Open Space

80. On a site for a development of this scale the, adopted Open Space SPD requires the provision of approximately 1,665 square meters of formal sports space, 384 square meters of formal children's play space, 384 square meters of informal children's play space and 416 square meters of informal open space.
81. The recreational and Open Space Study (2013) forming part of the local plan submission, showed that Great and Little Abington needed 0.54ha of informal open space. The applicant is proposing an onsite area for a community orchard the size of which satisfies the informal open space requirement.

82. The applicant is proposed a number of items on of play equipment to be located on the northeast part of the site that includes climbing structure, net swing and standing sheep. This does fall short of the LEAP that would require 9 items of equipment. Taking this into account the Parish Council has requested a contribution towards a new zip wire to be installed on the recreation ground. Provided this is secured, officers consider the development would be acceptable.
83. The amount of open space to be provided and the contributions to equipment elsewhere in the village is considered to represent a social benefit of the scheme.

#### Community Facilities – Indoor

84. In accordance with policy DP/4 all residential developments generate the need for the provision of, or improvement to other community facilities, where the impact is not mitigated through onsite provision a financial contribution towards offsite improvements works will be required. In accordance with the needs assessment there is a need for an additional indoor meeting space to serve both Great and Little Abington.
85. Great Abington Parish Council have requested contributions towards the continued improvement of facilities; re-building of outdoor decking area, IT communication equipment, additional storage space and installation of boiler. A financial contribution of £22,058.60 is considered to be reasonable based on the housing mix.
86. Officers have considered its compliance with CIL under the S106 section of this report. Subject to the contributions being used for these purposes, this level of provision is considered to be a significant social benefit of the proposals.

#### Conclusion to social sustainability

87. Given the above assessment and the supporting evidence, it is considered that the adverse impacts of the development in terms of social sustainability would not represent a demonstrable level of harm that would outweigh the benefits of the provision of additional housing within the context of the Council's lack of a 5 year housing land supply.

#### Economic Sustainability

88. The provision of 45 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.
89. The developer has submitted an indicative delivery statement to indicate when onsite development could commence. Given that it is a full application where details have been considered an onsite start could be made following the approval of any pre-commencement conditions.
90. 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.

#### Noise impacts from the kennels

91. Westlodge dog kennels lies on the opposite side of the road to the application site to

the north-east. The kennels are licenced to look after up to 80 dogs at any one time. The site has luxury apartments, kennels and exercise areas. These are mainly located around the residential house. The owner of the kennels has submitted a two letters of objection to the council on the basis that residential accommodation on the site could be of detriment to the future of their business if noise complaints are received.

92. Paragraph 109 of the national framework, states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.
93. Paragraph 123 contains a four bullet, the most relevant to this application stating that decision should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and to mitigate and reduce including through the use of conditions.
94. The Noise Planning Practice Guidance (NPPG) provides further guidance on noise and states that noise needs to be considered when new development may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. The NPPG provides advice on how to determine the impact of noise, including whether or not a significant adverse effect would occur and whether a good standard of amenity can be achieved.
95. The Environmental Health Officer (EHO) has confirmed that, unlike noise from roads or industrial units, there is no specific local or national guidance for the assessments of noise from dog kennels affecting new residential development. Therefore a bespoke approach has been taken by the applicants. The EHO has raised no objections to the methodology used by the applicant and considers a worst-case scenario has been adopted in that it compares the dogs barking against existing noise sources.
96. Initially a noise survey was carried out between 7<sup>th</sup> and 22<sup>nd</sup> December 2015 which measured noise levels from 10 barking dogs. This was then modelled using the above methodology to predict 23 dogs barking simultaneously from around the kennels through the day and night.
97. Following comments from the EHO and third parties on the robustness of this assessment, a further noise survey was then carried out between the 6<sup>th</sup> and 13<sup>th</sup> April 2017 during the Easter holiday period. The kennels were at around 50% (40 dogs) capacity during the time of the survey. This was then modelled using the above methodology to predict 46 dogs barking simultaneously from around the kennels for 50% of time and 25% of the time, peaks and troughs were also used in the modelling in order to represent when the dogs are more likely to bark.
98. On both occasions the noise from the kennels would be heard but not intrusive during the day inside and in the gardens but would, however, be intrusive at night. Consequently ventilation systems have been required for mitigation to bedroom windows that face the kennels. The EHO has supported this mitigation measure.
99. Officers are mindful that the applicants have been in discussion with the kennel owner to improve the kennel facility and insulate the buildings to further reduce any noise impact to future occupiers. As this is outside of the red-line boundary of the site and there is not concurrent application for the improvement works, officers have not been able to give this matter any material weight in the determination of this application.
100. In the view the EHO, whilst the submitted assessment presents a robust quantitative

prediction demonstrating its acceptability, subjective factors such as a future occupiers perception of barking dogs, time of the year and the way the kennel business operates will influence whether noise complaints are submitted and this will have to be reviewed by the Council at that point in time. It should also be noted that the site would not be in the path of the prevailing winds from the southwest.

101. Based on the evidence that has been submitted with the application, the Westlodge Kennels would not give rise to significant adverse impact on the health and quality of new occupiers living of the development in accordance with para.109 and 123 of the national framework and policy NE/15 of the adopted Local Development Framework.
102. Officers do accept this decision would not affect any future occupier's rights under the Environmental Protection Act 1990.

### **Density of development**

103. The scheme would be of a lower density than required by policy HG/1 of the LDF and emerging Local Plan policy H/7 (30 dwellings per hectare) at approximately 26 dwellings per hectare. 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 a percentage of the site will be a community orchard and the need to retain the hedgerows that surround the site, it is considered that this proposal meets the exception tests of the current and emerging policy with regard to the density of development.

### **Details of Landscape, Scale, Layout and Design**

104. The scheme has been presented to the Councils Design Enabling Panel. The Panel indicated in their comments the importance of landscaping generally to the successful delivery of the scheme. Other key urban design features were also raised and have now been addressed in the proposed scheme.

#### **Landscape**

105. As proposed, all boundary trees and hedgerows of landscape interest are to be retained and enhanced where there are gaps in the boundaries. A small section of the northern hedgerow will be lost but this will be compensated for by new native hedgerow planting along the southern boundary. The community orchard and additional tree planting are features the Councils Landscape Officer welcomed. The development will therefore have an acceptable impact on the village and landscape character in accordance with DP/2 of the adopted Local Development Framework.

#### **Scale**

106. There will be a mix of housing on the site ranging from two storey properties to bungalows. The introduction of bungalows was requested by local residents to respond to the needs survey. Residential housing to the west of the site is predominately two storey and therefore the proposed scale of the development is considered to be appropriate to the local area in accordance with DP/2 of the Local Development Framework.

#### **Layout**

107. In terms of the layout, it was recognised at an early stage that there was a requirement



to push the dwellings away from the north eastern boundary due to the proximity to the dog/cat kennels. The Councils Urban Design Officer supported a perimeter block approach and improvements have been made to the housing around the entrance of the site. Some concerns were raised to the housing at the southern part of the site which mainly centre around; separation distances, close proximity to site boundary, local of some garages, potential to overshadow and integration of parking.

108. The applicant has since amended the plans to take into account this comments. As a result the holding objection was removed and the urban design officer has now recommended approval. The layout of the site is therefore considered to be acceptable in accordance with DP/2 of the Local Development Framework.

#### Design and appearance

109. The general design/appearance of the units is relatively simple and non-obtrusive. The Parish Council had requested to see a greater range of building designs. Whilst officers do consider greater variation could be applied, it is felt that this could be resolved through careful consideration of materials. The appearance of the proposed residential units is therefore considered to be acceptable in accordance with DP/2 of the Local Development Framework.

#### Trees

110. The District Council Tree Officer has raised no objections to the proposals. There will be a need to submit a comprehensive arboricultural assessment and tree protection plan with the reserved matters application.

#### Ecology

111. The application is accompanied by a preliminary Ecological Appraisal prepared by Landscape Planning Ltd. The Councils Ecology Officer has commented on the scheme and has raised no objections subject to conditions.
112. The new community orchard and wildflower planting will ensure there is a net ecological gain. The clearance of the site will need to be timed to avoid nesting bird season or an inspection by an ecologist will be required before works commence.
113. Conditions covering nesting birds, precautionary method statement for working with retilers and biodiversity enhancement measures are therefore considered to be reasonable and necessary.

#### Highway safety and parking

114. The junction onto the A1307 is already established route utilised by the wider village. The addition of 45 dwellings would not, therefore, comprise the safety of the existing infrastructure on the highway network to warrant the application for refusal.
115. All properties will have access to two onsite car parking spaces on each plot. The proposal would meet the maximum requirements of the policy TR/2 of the Local Development Framework. Cycle parking will be provided to the plots without garages.
116. The applicants have submitted a Travel Plan, which can be conditioned as part of the approval. The applicant has demonstrated that both vehicle and pedestrian visibility splays can be achieved on both sides of the access in accordance with Manual for Streets and to the approval of the Local Highways Authority.

117. The proposals are therefore considered to comply with the requirements of policy DP/3 in terms of highway safety and the traffic generated and policy TR/1 in respect of promoting sustainable modes of travel.

### **Residential amenity**

118. The closest neighbouring properties to the west would be a sufficient distance from the site to ensure that unreasonable overlooking and overshadowing would be avoided. At approximately 26 dwellings per hectare, each residential unit would have a suitable gardens to the standards required in the Council District Design Guide.
119. The minimum separation distances quoted in the Design Guide (25 metres between elevations with habitable rooms facing each other and 12 metres between blank elevations and those with habitable room windows) have been achieved. Conditions preventing windows on some elevations will be included in the decision notice.
120. 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 development does not have any adverse impact on the residential amenity in accordance with policy DP/3 of the adopted LDF.

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

121. The site is located within flood zone 1 (lowest risk of flooding). The Lead Local Flood Authority (LLFRA) has not raised an objection to the revised proposal.
122. The details of the surface water drainage strategy can be secured by condition at the outline stage and the means of management and maintenance can be included as clauses in the Section 106 Agreement. The Environment Agency and Anglian Water have also raised no objection in relation to surface water drainage on the basis that this condition is attached to the decision notice.
123. Anglian Water (AW) has raised no objections to the proposals. In relation to Wastewater treatment. In relation to the foul drainage network, the applicant will be required to develop a foul water drainage strategy that is acceptable to AW in order to mitigate the impact of the additional flows from the development. These details will need to be secured by condition at this outline stage.

### **Section 106 contributions**

124. When securing planning obligations from new development the Local Planning Authority must be satisfied that such requests are compliant with the Community Infrastructure Levy (CIL) regulations 2010 and paragraphs 203 and 204 of the National Planning Policy Framework.
125. Household waste - The local cost of providing and delivering each household waste receptacle has been calculated at £73.50 per house and £150 per dwelling to provide the relevant bins. Given future residents will require this provision/service to dispose of waste from their properties, officers consider the contribution can lawfully be requested in accordance with the regulations.
126. Community Facilities - Great Abington has a need for 95 square meters of indoor meeting space and Little Abington has a need for 55 square meters. Both villages are served by the Abington Institute, which provides 180 square meters meaning there is a

surplus of 30 square meters. Based on the likely number of people arising from the development an area of 10 square meters would be required.

127. The PC has said the monies would go towards the continued improvement of the facilities: the rebuilding of the outdoor decking area, installation of IT communications, Additional storage space, installation of new boiler. A contribution of £22,058.60 has therefore been requested based on the housing mix. Officers consider the contribution can lawfully be requested.
128. Outdoor play space - The recreation and open space study forming the Local Plan showed that Great and Little Abington needed 2.21 ha of sports space but had 3.72ha (ie a surplus of 1.51ha). In accordance with policies SF/10 and SF/11 the applicant will be required to make a contribution towards the increase in demand and to accord with paragraph 80 of the national framework in promoting health communities.
129. Great Abington PC have said in order to meet the needs for the future residents sports contributions are required to go towards; improve and enlarge the hard court area on the recreation ground, BMX track, running track around the recreation ground and cricket practice nets.
130. The off-site contributions towards the increase in demand would be £48,587.19 based on the housing mix proposed. Officers consider the contribution can lawfully be requested in accordance with the regulations.
131. Formal and Informal Play Space - The needs for children aged between 4-8 years will be met on the LEAP which is located on the site. The needs of 8-14 year have not been accommodate onsite. The PC has requested a contribution towards a Zip Wire to be installed on the recreation ground at a cost of £10,000. Officers consider the contribution can lawfully be requested in accordance with the regulations.
132. Informal open space - Will be provided onsite in the form of community orchards that satisfies the informal open space requirement. This area will need to be offered to the parish council at a suitable trigger point during the development. Officers consider the contribution can lawfully be requested in accordance with the regulations.
133. Maintenance contributions - The Open Space in New Developments SPD advises that for new development it is the developers responsibility to ensure the open space and facilities are available to the community in perpetuity and that satisfactory long term levels of management and maintenance are guaranteed. Therefore, all of the on-site open space provision will need to be secured with a maintenance scheme.

#### **Other matters**

##### **Archaeology :**

134. The site is considered to be in a part of the District that is of high archaeological potential. The site is located to the south east of the historic village core on route linking the village with Hildersham. The early 19<sup>th</sup> century grounds of Hildersham Hall are located to the east. It is likely that important ecological remains will survive in the area and these would be severely damaged or destroyed by the proposed development.
135. The County Council Archaeologist considered an archaeological evaluation was necessary prior to the determination of the application. An informed judgement could then be made as to whether any planning consent will need to include provisions for recording and preservation of important archaeological remains in situ.

136. Prior to the determination of any planning application, the evaluation will need to be agreed by the County Council Archaeology department.

Other Environmental Health Matters:

137. A compliance condition will be added to the decision notice to ensure the development is carried out in accordance with the submitted noise report.
138. 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.
139. 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.
140. 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. It is considered that each of these issues could be dealt with through the imposition of condition.

**Conclusion**

141. Given the fact that the Council cannot currently identify a five year supply of housing land, in accordance with the guidance in paragraph 14 of the NPPF, in balancing all of the material considerations, planning permission should be granted unless the harm arising from the proposal would 'significantly and demonstrably' outweigh the benefits.
142. The application has been submitted as a full planning application (all details included) with intentions to deliver the scheme within a five year period. The proposed development would provide a significant number and mix of dwellings. Twenty-one of which would be affordable units. This is a benefit that should be given significant weight and importance in the determination of the planning application in accordance with the advice in the NPPF.
143. The emerging Local Plan Policy H/1(i), which is a parish-led proposal seeks to allocate the site for residential development, can also be given great weight in the determination of this planning application given its stage in preparation, the resolved objections and the degree of consistency with the national framework to supply housing to meet the needs of present and future generations.
144. The layout, design and scale of the development are considered to be acceptable, allowing for a reasonable the level of public open space within the development that would fit into the local area. The developer has also introduced bungalows into the scheme to respond to the local need. The density of the development will make the best use of the land.

145. There will be some benefit to the local economy including the use of services in the village as a result. The construction stages will also attract short term employment opportunities, albeit this would be more limited given the size of the scheme.
146. The proposal would retain a significant proportion of the hedgerows along the frontage of the site and would supplement the landscaping on the boundaries of the site with the open countryside. Therefore some limited harm would be caused to the character of the landscape and loss of agricultural land. However, suitable conditions can be imposed to help mitigate the identified impacts.
147. During the consultation process concerns were raised by Westlodge Dog and Cattery Kennels and the Parish Council in regards to the noise impact the kennels could have on the future residents and whether sufficient information had been submitted to ensure there would be no future complaints. In response, the applicants submitted a further noise study to underpin their previous findings and through the Design Enabling Workshop, the dwellings/open space have been clarify located with relevant mitigation to ensure any noise impacts are kept to a minimum. Based on the information submitted with the application the Councils Environmental Health Officer does not consider there would be any unacceptable adverse impact in accordance with policy NE/15.
148. Overall, it is considered that the environmental, economic and social benefits arising from the contribution the proposal would make to the deficit in the Council's five year housing land supply and the significant need for affordable housing and provision of community orchard; and the other limited economic benefits would clearly outweigh the potential landscape and environmental dis-benefits.

### **Recommendation**

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

#### **Section 106 agreement**

Listed in Appendix 1, attached to this report.

#### **Draft conditions**

Listed in Appendix 2, attached to this report.

### **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/3543/16/FL

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