

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

7<sup>th</sup> May 2008

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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**S/1970/07/A21- Longstanton  
Increase in Number of Dwellings from 500 to 546 In Accordance With  
Condition No. 16 of Planning Permission Reference S/0682/95/O at  
Land West of Longstanton (Home Farm) for Mr & Mrs P L Stroude**

**Recommendation: Approval  
Date for Determination: 12<sup>th</sup> December 2007**

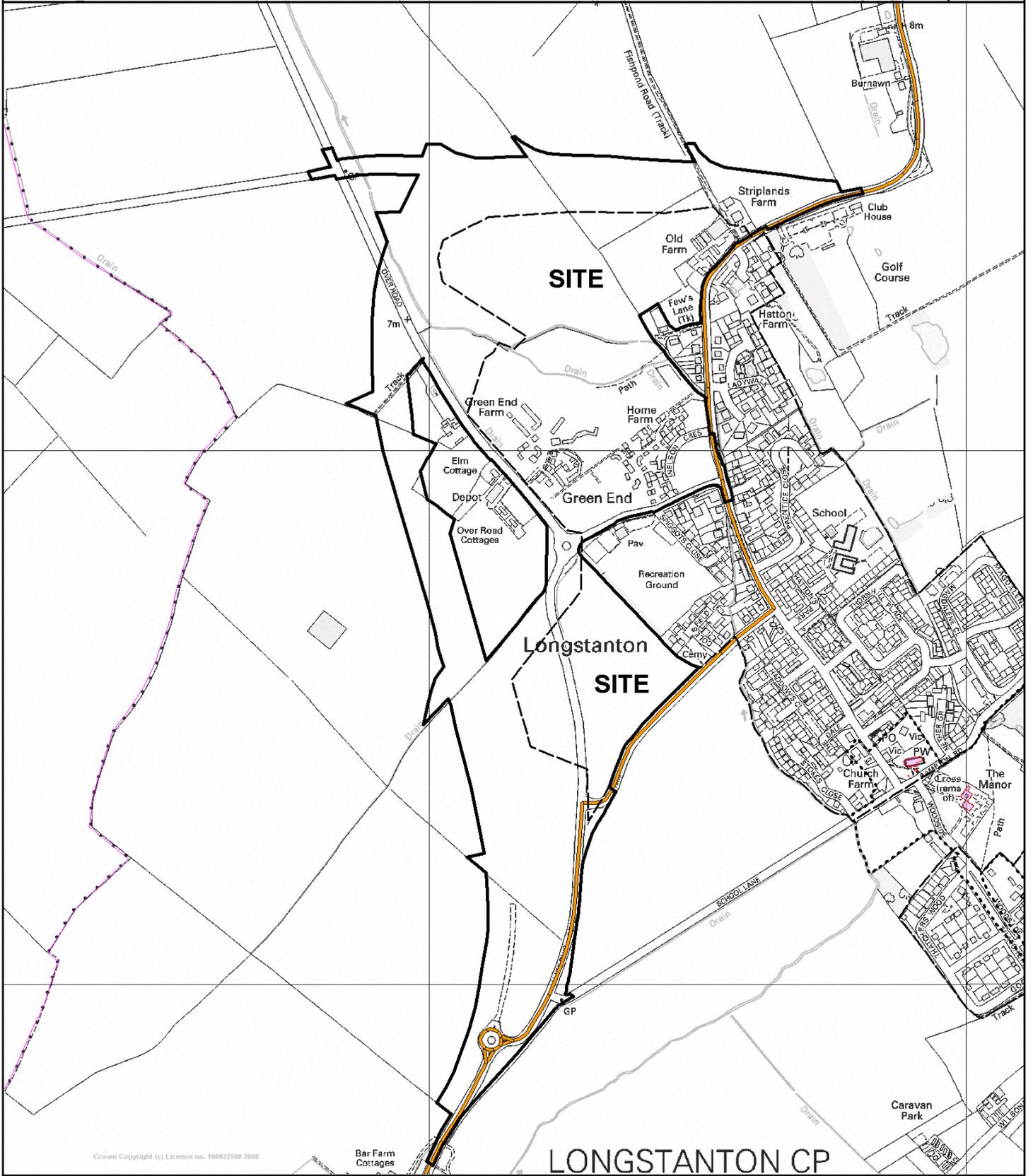
**This application has been reported to the Planning Committee for determination because the Officer's recommendation conflicts with the recommendation of the Parish Council.**

### **Site and Proposal**

1. The Home Farm development site comprises land to the west of Longstanton.
2. The residential element of the development is now well under way with Phase 1 complete and Phase 2 under construction resulting in 208 out of a permitted 510 dwellings built and occupied. No development has commenced on Phase 3 and the bypass is yet to be completed. No more than 250 dwellings can be occupied until the completion of the bypass which is likely to take approximately 1 year to complete.
3. The application is made under Article 21 of The Town and Country Planning (General Development Procedure) Order 1995 and is not an application for planning permission. Essentially such applications seek the Local Planning Authority's agreement to a matter contained within a planning condition. In this case, Condition No. 16, which states:  
  
"Not more than 500 dwellings shall be constructed on the site unless otherwise agreed by the Local Planning Authority".
4. The application seeks agreement to erect 546 dwellings on the site in principle. No details of location, house types, mix, landscaping etc are relevant through the Article 21 procedure in relation to this outline planning permission.
5. If agreed the additional dwellings would be subject to all other conditions contained within the Outline Planning Permission (S/0682/95/O).

### **Relevant Recent History**

6. Outline planning permission for comprehensive phased development to provide B1050 Bypass for Longstanton and related road works together with housing (21Ha), a business park (6.3Ha), extension to village recreation ground (2.8Ha), village green including land for local shop and surgery, open space, landscaping and related infrastructure` on land west of Longstanton, including the application site, was granted in October 2000 (**S/0682/95/O**). The Decision Notice was issued following



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Bar Farm Cottages



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the signing of a legal agreement relating to education contributions and highway works. Condition 16 restricted development to no more than 500 dwellings unless otherwise agreed by the Local Planning Authority.

7. **S/1762/03/RM** - 91 dwellings and ancillary works (Phase 1) - approved 22.12.03.
8. **S/0246/04/RM** - Duplicate application for 200 dwellings (Phase 2) - Appeal allowed 23<sup>rd</sup> August 2005 and reserved matters granted for 196 dwellings.
9. **S/2069/04/RM** - Reserved matters consent issued 5th May 2005 for 153 dwellings and ancillary works (Phase 2).
10. **S/0845/04/RM** and **S/1429/04/RM** - Duplicate Reserved Matters applications for 103 dwellings on part Phase 3 were both withdrawn in March 2006.
11. **S/0682/95/O** - 11/02/04 – Article 21 application to increase numbers of dwellings above 500 refused March 2004 and subsequently dismissed at appeal 29<sup>th</sup> November 2004.
12. **S/1846/04/F** - Application for balancing pond and scheme of ditch widening to serve development approved by virtue of outline planning permission S/0682/95/O – approved 8<sup>th</sup> June 2006.
13. **S/1875/06/RM** and **S/1877/06/RM** – Duplicate applications for 18 dwellings within Phase 2 were approved in December 2006 (net increase of 7 dwellings).
14. **S/1086/06/F** – Application to extend the period for submission of reserved matters for Phase 2 for an additional 2 years was approved in August 2006.
15. **S/1876/06/RM** - Application for 20 dwellings within Phase 2 was approved in December 2006 (net increase of 6 dwellings).
16. **S/0625/06/RM** – In April 2007, Reserved Matters were approved for the erection of 87 dwellings for Phase 3A
17. **S/1390/07/RM** – In December 2007 Reserved Matters were approved for the erection of 159 dwellings for Phase 3B.

### **Planning Policy**

18. The site forms part of the 21 hectare area of land allocated for some 500 dwellings on land north of Over Road, Longstanton in South Cambridgeshire Local Plan: 2004 **Policy HG5**.
19. The principles of development were encapsulated in **Policy Longstanton 1** of the Local Plan 2004. This Policy ceased to have effect from 27<sup>th</sup> September 2007. The supporting text at Paragraph 67.17 stated:

”The District Council has granted outline planning permission for residential, employment and recreation uses, which includes the provision of a development related bypass. The bypass between Hattons Road, Over Road and Station Road would provide access to Over or Willingham and onto Fenland without passing through the village. The District Council considers that the provision of the bypass is crucial for the village and therefore allocated a larger area for a housing estate than would otherwise be appropriate. In this instance there is no requirement for affordable housing as set out in **Policy HG/3** of the South Cambridgeshire Local

Development Framework Development Control Policies Development Plan Document 2007 (LDFDCP) because of the need to ensure the provision of the bypass and other community facilities such as a village green, shop and surgery”.

20. Longstanton is defined as a Group Village in South Cambridgeshire Local Development Framework Core Strategy Development Plan Document 2007 (**Policy ST/6**). Residential development and redevelopment up to an indicative maximum scheme size of 8 dwellings will be permitted within village frameworks. Development may exceptionally consist of up to about 15 dwellings where this would make the best use of a single brownfield site.
21. Structure Plan 2003 **Policy P1/3** requires all new developments to incorporate high standards of sustainability and design and to provide a sense of place which:
  - a) “Responds to the local character of the built environment;
  - b) Is integrated with adjoining landscapes;
  - c) Creates distinctive skylines, focal points, and landmarks;
  - d) Includes variety and surprise within a unified design;
  - e) Includes streets, squares and other public spaces with a defined sense of enclosure;
  - f) Includes attractive green spaces and corridors for recreation and biodiversity;
  - g) Conserves important environmental assets of the site;
  - h) Pays attention to the detail of forms, massing, textures, colours and landscaping.”
22. **Policy DP/1** of the LDFDCP addresses the principles of sustainable development.
23. **Policy DP/2** of the LDFDCP addresses the design of new development.
24. **Policy DP/3** of the LDFDCP addresses development criteria.
25. **Policy DP/4** of the LDFDCP addresses infrastructure.
26. **Policy HG/1** of the LDFDCP addresses housing density. It states that residential developments will make the best use of sites by achieving average net densities of at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment. Higher average net densities of at least 40 dwellings per hectare should be achieved in more sustainable locations close to a good range of existing or potential services and facilities and where there is, or there is potential for, good local public transport services.
27. **Policy HG/2** of the LDFDCP addresses housing mix. It states (in part) that residential units will contain a mix of units providing accommodation in a range of types, sizes and affordability, to meet local needs. In developments of more than 10 dwellings a mix of units will be sought providing a range of accommodation, including one and two bed dwellings, having regard to economic viability, the local context of the site and the need to secure a balanced community.
28. **Policy SF/6** of the LDFDCP addresses public art and new development. It states (in part) that the policy will apply to residential developments comprising 10 or more dwellings and states that the District Council will encourage the provision or commissioning of publicly accessible art, craft and design works.
29. **Policy SF/10** of the LDFDCP addresses outdoor play space, informal open space and new development. It states (in part) that all residential developments will be

required to contribute towards outdoor playing space (including children's play space and formal outdoor sports facilities) and informal open space to meet the additional need generated by the development in accordance with the standards in Policy SF/11.

30. **Policy SF/11** of the LDFDCP gives the standards required for open space. It states:  
  
The minimum standard of outdoor play space and informal open space is 2.8 hectares per 1,000 people, comprising outdoor sport – 1.6 hectares per 1,000 people, children's playspace – 0.8 hectares per 1,000 people and informal open space – 0.4 hectares per 1,000 people.
31. The Council is in the process of producing a draft Supplementary Planning Document on open space (including play, sport and community space).
32. **Policy NE/1** of the LDFDCP addresses energy efficiency. It states (in part) that development will be required to demonstrate that it would achieve a high degree of measures to increase the energy efficiency of new buildings for example through location, layout, orientation, aspect and external design.
33. Developers are encouraged to reduce the amount of CO<sub>2</sub> m<sup>3</sup>/year emitted by 10% compared to the minimum Building Regulation requirement.
34. **Policy NE/3** of the LDFDCP addresses renewable energy technologies in new developments. It states: "All development proposals greater than 1,000m<sup>2</sup> or 10 dwellings will include technology for renewable energy to provide at least 10% of their predicted energy requirements, in accordance with Policy NE/2".
35. **Policy NE/6** of the LDFDCP addresses biodiversity issues.
36. **Policy NE/9** of the LDFDCP addresses water and drainage infrastructure.
37. **Policy NE/10** of the LDFDCP addresses foul drainage and alternative drainage systems.
38. **Policy NE/11** of the LDFDCP addresses flood risk.
39. **Policy TR/1** of the LDFDCP addresses planning for more sustainable travel. It states (in part) that the Council will seek to ensure that every opportunity is taken to increase integration of travel modes and accessibility to non-motorised modes by appropriate measures.
40. **Policy TR/2** of the LDFDCP addresses the Council's car and cycle parking standards.
41. A development brief for the Home Farm site, covering matters such as development aims, design philosophy, scale of development, built form (advocating a series of townscape zones including greenways, village lanes, village streets and hamlets), architectural form and open space was adopted by the Council as Supplementary Planning Guidance in 1998. Whilst design guidance has evolved since this brief was adopted, many of the principles contained within the brief remain relevant.
42. Government's **Planning Policy Statement PPS3**, "Housing" (November 2006) aims to ensure that developments make efficient use of land. "Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad density range although 30 dwellings per hectare (dph) net should be used as a national indicative minimum to guide policy development and decision-making.

Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area... The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment”.

PPS3 also requires a mix of housing, both market and affordable to create mixed communities.

### **Consultation**

43. Like Reserved Matters applications, there is no statutory requirement for consultation on Article 21 applications however all consultations that would have been necessary for a planning application have taken place. The consultation period, which commenced on 2<sup>nd</sup> January 2008, has expired.
44. **Longstanton Parish Council** recommends refusal. It states:
- a) “There is absolutely no detail in this application that lets it be evaluated properly, including location and proposed landscaping. Since the bulk of Home Farm is already under construction, it is no longer acceptable to simply ask for a variance without details on where these houses will go. Are they to go into existing Phase 3 a/b lands? Are they to go into the land that was left undeveloped, but from the outline consent was clearly always to be part of the development? The outline consent was clearly meant to fill the area with 500 homes. Instead, the developers left a portion undeveloped and increased density in the other areas. This was clearly done as such that they could later claim a need to increase the number of homes. However, if that land is not undeveloped, there is no specific requirement that this greenfield land should become developed and, in fact, doing so it is at odds with government policy on preferred areas for development. In other words, if the developers made ‘more efficient’ use of the land by building at higher densities than agreed in the outline consent, that should not give them any special standing in building a further 46 homes (or a further 36 past the 510 applied for) on green land. Government policy is directed towards densities, not ensuring that greenfield land is fully populated.
    - (i) With so much of the village’s green space already be lost to major development, it is essential that this remaining piece of the original application not be developed.
    - (ii) The existing densities on Home Farm are so much higher than the rest of the village, that any higher density would be significantly out of keeping and should not be permitted.
  - b) We have yet to see the recreation ground extension be delivered. In fact, the latest letter from the owner’s solicitor indicates it would be ‘available for use’ which can be all too easily interpreted as ‘will remain under the ownership of the current landowner, who will permit people to walk across it.’ The outline consent requires that the land be an extension to the recreation ground, meaning there is one set of grounds that will be made larger, meaning that the land must transfer to the owner of the recreation ground in order to make it one. Until this

happens, any approval of further development on the site would be at complete odds with enforcing existing elements of the application.

- c) It would be untenable if these extra homes were permitted without the requirement that a stream bypass be installed. Such a bypass has been agreed by the developer's engineers and Northstowe engineers as probably the best technical solution to flood risk in the village, and the current Home Farm works do nothing, as stated by the developers, to reduce risk in the rest of village. PPS25 requires developments to be reducing flood risk in their communities, but to date we have seen this clear direction in PPS25 ignored, even with developments of this scale.
- d) The outline consent required no affordable housing, on the basis that the development would build a road bypass instead. The new homes clearly must be built with 40% affordable housing, or at least some other feature of a significant benefit to the village.
- e) The development was also to have lands for community amenities (shops, etc.) The former is late in coming and not a benefit (as it turns out) since it would have been built by Northstowe anyway. Developers have done nothing, we can see, to encourage community amenities, meaning that the village now has 500 new homes with absolutely no net benefit to the village in terms of infrastructure or amenities."

45. **Swavesey Parish Council** makes no recommendation. It states:

"Swavesey Parish Council raises the following objections and concerns to this application, which are in line with objections and concerns raised over previous application for development at Home Farm:

Local sewage system – additional pressure from increased development will be put onto the local sewage system which is currently at capacity.

Surface water drainage – again increasing the housing numbers will put increased pressure on drainage systems.

A new flood assessment report should be carried out to assess the future flood risk to the surrounding area resulting from the proposed increase in development. The original report would have been calculated on the permitted limit of 500. This application is a 10% increase over that permitted level. In the light of recent flood events around Swavesey, concern over future flood risk is high."

46. **Willingham Parish Council** recommends refusal. It states:

"WPC welcome the provision of a bypass for Longstanton but oppose the building of further houses without extension of the bypass around Willingham."

47. **Over Parish Council** recommends refusal. It states: "Refusal on grounds that bypass needs to be in place."

48. **Bar Hill Parish Council** makes no recommendation

49. **Anglian Water** comments are awaited.

50. **Environment Agency (EA)** has no objections It comments:

“The Agency would have no objection in principle to the proposed amendment provided that the development is carried out in accordance with the previously agreed constraints relating to drainage and infrastructure. The applicant should be aware of his responsibility to ensure that adequate residual capacity exists to accept any additional drainage arising from the development.”

51. **Middle Level Commissioners** object:

“Surface water from this development will discharge into the upstream tributaries of Swavesey Drain, which borders the Board’s drainage district. Previously, the Environment Agency has indicated that this watercourse is close to capacity during high rainfall events and any additional unregulated discharges could exacerbate flooding the Board’s area due to overtopping of the adjacent flood defence embankments.

The Commissioners, on the Board’s behalf, previously agreed suitable land drainage/flood defence negotiations with the applicant’s consultant and the Environment Agency to ensure that this development does not detrimentally affect the Board’s area. It has been agreed that a flow-balancing pond would be constructed near Gravel Bridge to accommodate flows within Longstanton Brook whilst Webb’s Hole Sluice is closed during periods of high water levels in the River Great Ouse System.

During the above negotiations, it was agreed that:

- (i) The plans submitted with this planning application meet the Board’s approval and are based upon the current proposals for 500 houses at Home Farm.
- (ii) The balancing pond must be completed to its maximum dimensions and the necessary flow-regulation structures installed and operational before work on the Home Farm development commences on site, i.e. not a phased construction to match the various development stages. It is understood that this balancing pond has now been completed.

The proposal to increase the number of houses on the site would negate the current agreement and require further negotiation between all the parties previously involved. Failure to do so would be contrary to the sentiments of PPS 25, which promotes the consideration of flood risk on a catchment basis. The Board’s policy which seeks to prevent development that places the District at an unacceptable risk of flooding or creates or exacerbates flooding elsewhere, and your Council’s policy CS5. In view of the above and the increased risk of flooding in the Board’s area and until the matter is resolved, I have no alternative but to oppose this application on the Board’s behalf.”

52. **Local Highways Authority (LHA)** has no objections. It comments:

“Although the proposed increase in dwelling units will inevitably lead to an increase in traffic movements in the area, given the relatively small percentage rise (9.2), the overall effect on the highway network is unlikely to be significant.”

53. **Environment Operations Manager** comments are awaited.

54. **Landscape Design Officer** comments are awaited.

55. **Drainage Manager** comments are awaited.

56. **Cambridgeshire Fire and Rescue Service** request that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition. In addition, access and facilities for the Fire Service should also be provided in accordance with the Building Regulation Approved Document B5, Section 16.

57. **Corporate Manager – Health and Environmental Services** comments are awaited.

58. **Police Architectural Liaison Officer** comments:

“While I have no comment to make in relation solely to the numbers of dwellings proposed care should be taken that increased densities do not lead to excessive permeability or to inappropriate or poorly overlooked car parking arrangements. Internal courtyard parking courts should be avoided wherever possible.”

59. **Natural England** states:

“Natural England has no objection to the proposal development in respect of legally protected sites or species as we are not aware that they are likely to be adversely affected by the proposals. However, if any other information such as representations from other parties highlights the possible presence of a protected or Biodiversity Action Plan species, the LPA should request further information from the applicant before determining the application in line with paragraph 99 of Circular 06/2005”.

60. **Ecology Officer** comments are awaited.

61. **Housing Development Officer** comments are awaited.

62. **Strategic Sustainability Officer** comments are awaited.

63. **Waste Recycling and Minimisation Officer** comments are awaited.

64. **Cultural Services Manager** comments are awaited.

65. **Finance Manager – Cambridgeshire County Council** comments:

“The County Council is concerned with regard to the impacts the extra housing will have on local primary and secondary education. Therefore the County Council object to this proposal unless it's S106 requirements are met.

The County's Research Group have undertaken some work in which they have examined the current trends at the existing development, and have then forecast the expected number of children the extra 46 dwellings will generate.

The County Council forecast that the extra dwellings will generate an additional 17 primary children, and 12 secondary aged children.

By 2013, there will be no capacity at the local primary school. There will also be no spare capacity at Swavesey VC. As a result, I would be grateful if you could seek the following education contribution on behalf of the County Council.

17 x £8,400 = £142,800 - Primary (£8,400 = 1 primary place)

12 x £12,500 = £150,000 - Secondary (£12,500 = 1 secondary place)

A total of £292,800 - to be used towards education facilities serving Longstanton.”

## **Representations**

66. One representation has been received from Cllr Alex Riley. He states:

“I am aware that 1.66 Ha remains to be developed beyond Phase 3B. But the application did not seem tied to that site. Besides, 36 houses on 1.66 Ha is a density far lower than anywhere else on Home Farm.”

## **Planning Comments - Key Issues**

67. The outline planning permission, ref S/0682/95/O, is for a mixed development including 21ha of housing. The development was limited to 500 unless otherwise agreed by the Local Planning Authority - Condition No. 16 attached to that permission (see above).
68. The reason given for this condition was: “To ensure an appropriate balance is achieved between scale of development and the provision of essential services, infrastructure and the Longstanton By-pass”
69. To date an additional 10 dwellings have been agreed taking the total of permitted dwellings to 510 with no affordable housing requirements.
70. The application is seeking the agreement of the Local Planning Authority to accept a further 36 dwellings to bring the total to 546. This would be within the bounds of the existing outline planning permission as it relates to the area permitted for 21ha of housing.
71. 500 dwellings on 21ha of land equates to a density of 23.8d/ha. The proposal (546) would take this figure to 26d/ha. The proposed increase would therefore better meet with current policy density targets although the remaining undeveloped land within the Home Farm site is 1.66ha and should this accommodate the additional 36 dwellings on its own would amount to a density of only 21.7d/ha. This could suggest an even greater number of dwellings should be sought.
72. The consultation responses indicate that the Environment Agency has no objections in relation to drainage issues (although I have had no comments from Anglian Water) and highway infrastructure can accommodate the additional dwellings. The County Council requires a contribution of £292,800 for additional education provision. This has already been addressed through the existing Section 106 Agreement, that accompanies the planning permission, for a specific contribution is required to be paid for each house in excess of 500.
73. At the time permission was granted for 21ha of housing it was accepted that more than 500 dwellings could be accommodated otherwise the condition would not have allowed for a greater number. This includes the consideration that the provision of the bypass was sufficient justification for no contribution to be made to affordable housing provision.
74. Since the granting of the outline planning permission, the Home Farm development has been considered on a piecemeal basis. In general, reserved matters consents have been granted on each phase for higher densities in line with the policy shift to achieve these. This has left a residual piece of land on the northern edge of the site that is within the 21ha permitted area such that it forms an undeveloped ‘island’ between consented dwellings and the structural landscape belt. It clearly makes some sort of sense for the development to be ‘completed’ as this land would form no

function otherwise. Due to a 'complication', that is referred to later, it is only on this part of the whole site that the new housing could be accommodated under the terms of the outline consent.

### ***Previous appeal***

75. In November 2004 an appeal was dismissed into a previous Article 21 application to consider an increase in the number of dwellings above 500.

76. In the appeal the Council argued that anything above 510 dwellings would be outside the scope of the condition (Condition No. 16 of S/0682/95). The Inspector stated:

*"There is no justification under the terms of the condition for the Council's contention...the condition simply and plainly requires the authority's consent for any number over 500 dwellings whether it be 501 or 1,501 or whatever. In any event, 510 dwellings seems to me to be an unduly narrow interpretation of the margin of tolerance that is normally built-in to the provision of services and infrastructure. On the other hand, increases that were mentioned at the inquiry, where there was reference to the potential of the site to accommodate up to 735 or even 840 houses, are of such a magnitude that they could reasonably be expected to have some impact on services and infrastructure."*

77. The Inspector was concerned that no affordable housing was being volunteered and that the applicants were relying on the contention that general affordability and mix of housing would be improved as a result of the increase in numbers. The Inspector stated:

*"Whilst it is true that a greater number of dwellings should be better able to meet the needs of the community for market housing, I consider that the proposal would fail to address the needs of those who are unable to compete in the housing market, and thereby would not fully contribute to a mixed and inclusive community."*

*"I appreciate that the normal requirement for affordable housing was waived for a development of 500 houses so as to facilitate the provision of the by-pass, but I can see the logic of the Council's view that if the number increases, there may be justification for a proportion of the increase to be affordable. I acknowledge the appellant's contention that this would be beyond the scope of the extant permission."*

78. With regard to density the Inspector stated:

*"The Government places considerable importance on making the best use of land, and there is a strong case for increasing the number of houses on the entire site so that at least the minimum density promoted in PPG3 is achieved [630 dwellings]."*

However, he states:

*"In policy terms density is by no means the only aspect that needs to be examined under the new regime established by PPG3. There is, for example, the question of the sustainability of development at Longstanton. On the limited evidence before me, the restricted range of services and relatively poor public transport accessibility do not qualify the village as one where increased housing provision would contribute to the creation of a more sustainable pattern of development and a reduction in car dependence."*

79. The Inspector stated that he was concerned about available infrastructure but his conclusion was that as he had no upper limit in front of him this would have to be assessed if and when numbers were known.

80. The Inspector concluded that:

*“Whilst I believe that there is sufficient tolerance within the policy for slightly more than the 10 extra dwellings acceptable to the Council, this would fall short of the 130 which seems to be the minimum sought by the appellant. The minimum density requirement of PPG3 is clearly a material consideration of some weight, but as often happens, there is a tension between different aspects of policy that requires a careful balancing of the issues. The question of housing need may also have to be weighed in the balance...”*

*“To enable meaningful judgements to be made about the impacts of a substantial increase, I believe it is imperative that an alternative figure is set...I do not know the scale of the increase the appellant seeks – I believe it is at least 630 dwellings (i.e. the PPG3 minimum density figure), but there was talk of 735 or even 840...I simply do not have the information to be able to properly assess the impacts of an increase of such a scale.”*

*“It is necessary for any increase to be tested against the reason for the condition, which requires an assessment of the impact of the additional dwellings on matters such as infrastructure and essential services...Even for matters of drainage and highways, which on the face of the appellant’s evidence appear satisfactory (at least for the lower level of increase thought to be required), the absence of any approval by the normal regulatory authorities means that I cannot be certain.”*

*“The open-ended nature of the proposal means that it is not possible for me to reach a meaningful conclusion.”*

### **Conclusions**

81. All of the above indicates to me that the additional dwellings should be permitted. The Inspector was considering as a minimum an additional 130 dwellings and felt that these would be in line with density requirements and there appeared to be satisfactory evidence that drainage and highways infrastructure could accommodate them. However, I am concerned that in agreeing to the increase within the scope of the outline planning permission there would be no requirement to contribute towards affordable housing, open space etc. and the additional dwellings would be in excess of the 8/15 referred to in Policy ST/6 such that the village would have to soak up the additional pressure of demand for services, open space and affordable housing that would result. The Inspector made clear his concerns that a proportion of affordable housing would be required.

82. However, as the Council has clearly already considered an increase to be acceptable through the granting of the outline planning permission and the Inspector considered that an additional 10 dwellings to be ‘unduly narrow’ within the bounds of the outline permission, it may not be appropriate to require the full affordable housing requirement of 40% as set out in policy.

83. In any case, the application is made under Article 21 of the Town and Country Planning (General Development Procedure) Order 1995 and is not an application for planning permission. In essence no conditions can be imposed such that the application is either acceptable or it is not.

84. This leaves me with a dilemma. It is clear that the Inspector had a similar dilemma but he was able to come to his conclusion based on the lack of a cap on the numbers proposed.
85. On the one hand the proposal is within the bounds of the outline permission already granted and it is hard to argue that an additional 46 dwellings, that can be accommodated within the existing infrastructure provision and will better meet the policy density requirements, should be rejected. Looking at the Inspector's comments, I would not be confident that a refusal would be upheld at appeal particularly now that the infrastructure implications have been largely addressed and that he felt that there was evidence that drainage and highways infrastructure had been demonstrated to potentially accommodate up to an additional 130 dwellings. Such an appeal, if allowed, may not provide a proportion of affordable housing or other infrastructure provisions.
86. On the other hand the additional dwellings would not contribute towards the village, would represent a larger number of dwellings than would otherwise be supported in a Group Village, would generate a need for more affordable housing and open space to be provided and put additional pressure on existing essential services.
87. My only conclusion is to recommend that the application should be approved but that regard must be had to the additional demands the development will put on the village. As such I propose to recommend approval but only provided the applicants make the required education contribution (£292,800), if not already addressed in the existing Section 106 Agreement, a contribution of 35% on site provision of affordable housing (13 dwellings) and the normal open space contributions (in the order of £60,000 - £100,000) all secured through the prior signing of a Section 106 agreement.
88. The applicants have informally indicated that they would be willing to volunteer a significant proportion, in the order of 35%, of on site affordable housing provision and they are aware of the need to fully contribute towards open space and education infrastructure.
89. An additional complication is that the time for submission of the reserved matters for all the housing on Home Farm expired October last year. This means that no further reserved matters applications can be submitted such that only a full planning application or another outline can be considered on the remainder of the site. Such an application would be subject to the normal policy requirements of the Local Development Framework. However, a reserved matters application for 36 dwellings on the northern remainder of the site was submitted just before the deadline in October last year but has not been registered. After taking advice on the matter it appears to me that this application was neither valid nor invalid at the time it was made because it was unknown at that time if the reserved matters were able to be in compliance with the outline planning permission as this depends on the outcome of this Article 21 application. It is my view that if this A21 application is approved, the reserved matters application becomes valid, within time and should be registered and considered from the date it was submitted.

#### **Drainage and Highways infrastructure.**

90. I note the comments of the Environment Agency in relation to drainage. It clearly considers that the existing infrastructure can accommodate the additional number of dwellings or it would have objected. However, I also note the objection raised on behalf of the Swavesey Internal Drainage Board. I asked the applicants to assure me that sufficient drainage capacity exists to accommodate the additional dwellings. In a

letter dated 15<sup>th</sup> April 2008 to the Middle Level Commissioners, the applicant's consultants state:

"You will note that the volume of storage available within the attenuation pond is equivalent to the maximum storm water discharge from a 100 year return period storm event arising over a period of three weeks, assuming 60% and 100% impermeability factors for the Home Farm housing development and employment areas respectively. From the development plans I have calculated the actual impermeability factors and these are shown on the enclosed drawings nos. 8441/02/001 and 002. You will note the actual residential impermeability factor is 43.44% and the actual business park impermeability factor is 59.17%.

Based upon the design impermeability factors of 100% and 60%, gives a design total impermeable area of 19.49 ha. The actual total impermeable area is 13.28 ha some 6.21 ha or 32% less.

Paragraph 5.12 and 5.13 of Wormald Burrows evidence states that a change in the design of the Balancing Reservoir has resulted in an increase in the volume of the reservoir from 20,000 cubic metres to 26,300 cubic metres, i.e. an increase of about 31.5%. I enclose a copy of the balancing pond details drawing for your information.

As I believe you are aware, the increase in dwelling numbers is due to increased density which does not necessarily lead to increased impermeable area. As shown earlier the actual residential and business park build impermeable areas are less than designed, such that the surface water discharge from the development will be some 32% less than the calculated flows, and the required volume within the Balancing Reservoir will be less than the nominal volume of 20,000 cubic metres that was originally calculated. Taking into account that the reservoir has been constructed to provide in excess of 26,000 cubic metres, there is clearly no constraint on increasing the dwelling numbers on grounds of drainage".

(The Wormald Burrow evidence referred to above was presented to the appeal inquiry held in October 2004 - see Paragraphs 75-80 inclusive above).

91. I await a response from Middle Level Commissioners but Members will be updated at the Committee meeting.
92. No comments have been received from Anglian Water. However, it has a duty to ensure that adequate facilities are in place to accommodate the development and it indicated in October 2007 that the expected delivery and completion of foul drainage improvement works remained on target for September 2008.
93. I note the Local Highway Authority raises no objections.

#### **Recommendation**

94. Agreement to the increase from 500 to 546 dwellings subject to the prior signing of a S 106 agreement to provide 35% affordable housing, education, if required, and open space contributions and the provision of fire hydrants.

**Background Papers:**

- Application File Ref S/1970/07/A21 and application files referred to in the 'History' section of this report.
- Cambridgeshire and Peterborough Structure Plan 2003
- South Cambridgeshire Local Plan 2004
- South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document 2007
- Development Brief for Home Farm, Longstanton 1998

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