

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

7<sup>th</sup> October 2009

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

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### **S/2308/06/O - HAUXTON**

**Redevelopment of 8.7ha of Previously Developed Land for a Mix of Uses Including Up to 380 Dwellings, approximately 4,000 sq metres of Employment Use (Class B1), Retail Floor Space (Class A1), Open Space Provision and Access.**

**At land to the East of the A10 Known as the Former Bayer CropScience Ltd Site**

**Recommendation: Approval**

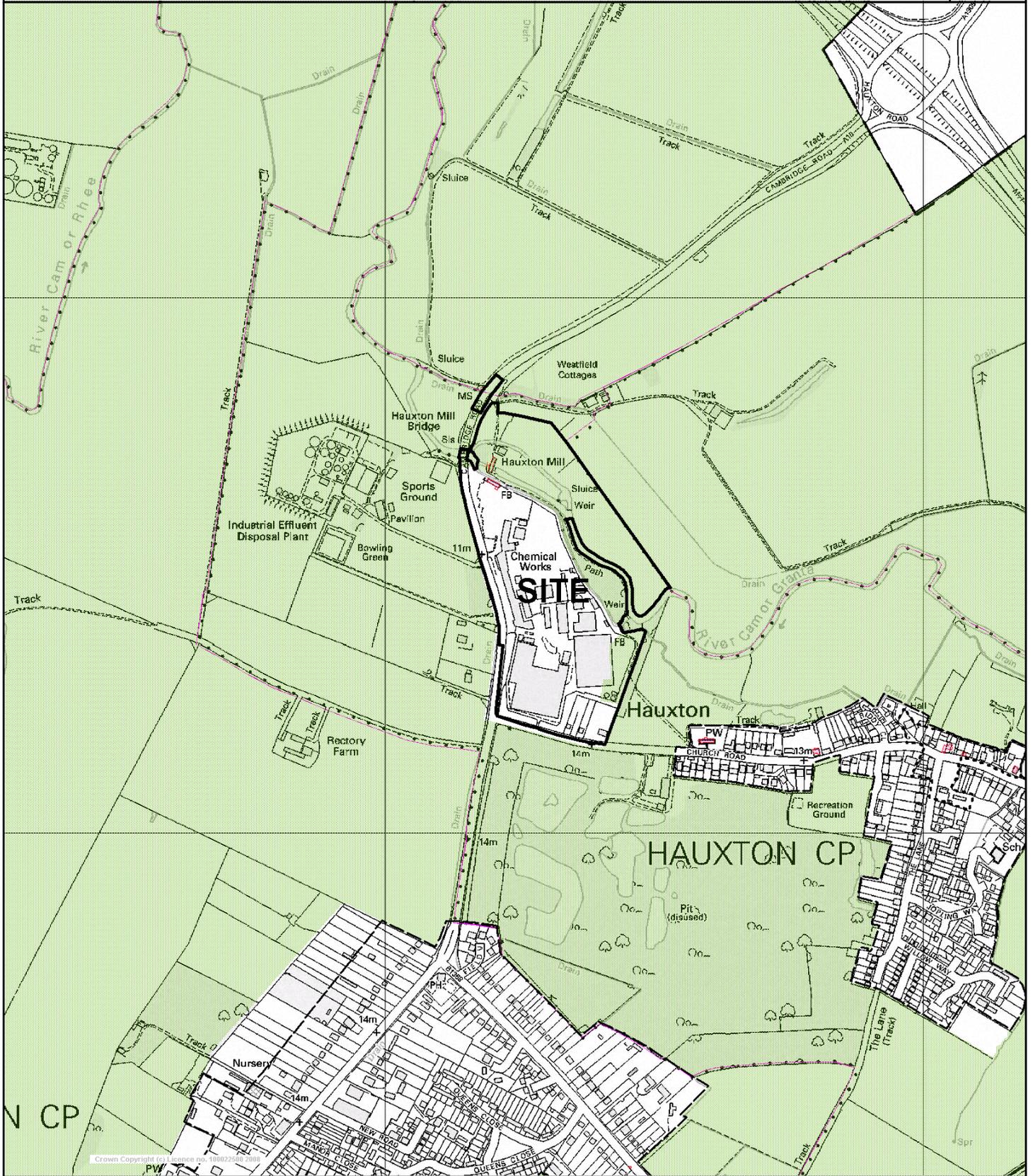
**Date for Determination: 2<sup>nd</sup> March 2007  
(Major Application)**

#### **Notes:**

**This Application has been reported to the Planning Committee for determination, to update Committee on progress since the application was first considered on 3<sup>rd</sup> October 2007.**

#### **Site and Proposal**

1. The 14.9 hectare (ha) application site is the former agro chemicals plant known as Bayer CropScience, which carried out the production and testing of agricultural related chemicals for over 65 years until its closure in 2003, together with land in the River Cam Corridor. The full Bayer site is divided into two by the A10 with the factory site located to the east side and the west side providing a mix of uses including associated sports facilities and the waste water treatment facility.
2. This current application relates to the main factory site (8.7ha) on the east side of the A10, which, due to its previous use, has pockets of high levels of contamination. Many of the former buildings on the site have been demolished, including 3 detached 2 storey dwellings fronting Church Road. The site also contains large areas of hard standing in the form of a 276 space surface car park and areas of internal infrastructure. The contamination will require remediation prior to any development on the site. That is the subject of application S/2307/06/F. Planning Committee resolved to approve this application on 5<sup>th</sup> August 2009 subject to the prior completion of a Section 106 Agreement. A draft Agreement has been prepared.
3. In addition to the factory buildings, the site also contains two listed buildings known as Hauxton Mill and the Mill House both of which are grade II listed buildings while to the north of the Mill is the new Mill House, which, although not listed in its own right is located within the curtilage of the listed Mill. A public footpath (number 5) cuts across part of the site which provides a loop route with footpath number 4, from the A10 through the site over the Riddy Brook and the River Cam past the Mill House and the Mill to reappear further along the A10 at the access point serving Westfield Cottages. A second public footpath (number 1) links with footpath number 5 at the footbridge over the Riddy Brook and provides a route partly along the western bank of the Riddy Brook before crossing it to run along the western bank of the River Cam to then re-cross the Riddy Brook and continue along the eastern boundary of the application site and onto Church Road.



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October Planning Committee 2009

4. The site is bounded to the west by the A10, to the north and east by a 2.5 metre high boundary wall, which rests above a Bentonite wall along the edge of the Riddy Brook. To the south the site boundary is formed by Church Road, which provides the main link into Hauxton village from the A10.
5. In detail this application, registered on 1<sup>st</sup> December 2006, seeks outline consent for redevelopment of 8.7ha of previously developed land for a mix of uses including up to 380 dwellings, up to 4,000 sq metres of B1(A) office floorspace, not greater than 250 sq metres (gross) retail development (Class A1), provision of open space and associated access and engineering works. All matters are reserved, save for means of access, which will involve a new signalled controlled T-junction via the A10 and two local access points from Church Road, each serving approximately 20 houses.
6. Full details of the proposals, policy background, relevant history and representations are included in Appendix 1, which is the agenda report to 5 August 2009 Committee in respect of application S/2014/08/O, which proposed the same amount of development on the site.

## **Background**

7. On 3<sup>rd</sup> October 2007:

“The Committee was **MINDED TO GIVE OFFICERS DELEGATED POWERS TO APPROVE OR REFUSE** the application, subject to the Secretary of State as a departure from the Development Plan and not being called in for determination, to the prior completion of a Section 106 Legal Agreement securing:

- (a) A Neighbourhood Equipped Area of Play within Hauxton village
- (b) A Local Equipped Area of Play within the site
- (c) Contributions towards:
  - The improvement in public transport provision;
  - The enhancement of cycleways along the A10;
  - Enhancement of the Great Shelford health centre;
  - Education facilities at Hauxton primary school;
  - The maintenance of the River Riddy walk and trees; and
- (d) The provision of extra-care units on the site,

to the satisfactory resolution of outstanding issues (including the village hall, playing fields and listed building), withdrawal of the Environment Agency’s objection (relating to the submitted Floor Risk Assessment) and withdrawal of the Highways Agency’s Article 14 direction relating to the submitted transport assessment, and subject to the conditions listed in the report along with any others required in order to lift the outstanding objections.”

8. The application remains undetermined.
9. On 5<sup>th</sup> August 2009 Planning Committee refused application S/2014/08/O for the following reasons:
  1. “The application proposes a mix of uses, including up to 380 dwellings. This represents a net density of 54 dwellings per hectare. This density will create a cramped form of built development, which will not comply with Policy SP/7 of the Local Development Framework Site Specific Policies DPD Submission Draft January 2006, which anticipates around 250 dwellings on the site.

2. The application does not include sufficient affordable housing, other than 50% of the proposed 70 Extra-Care dwellings, to meet the requirements of Policy HG/3 of the Local Development Framework Development Control Policies DPD adopted July 2007, which requires 40% or more of the dwellings for which planning permission may be given on all sites of two or more dwellings to be affordable.”

10. Committee on 5<sup>th</sup> August 2009 also resolved to:

“Approve the application S/2307/06/F for the remediation of the site, subject to the prior completion of a suitable Section 106 Legal Agreement including an obligation to secure agreement from Atkins or other specialist consultant to act as an impartial and independent expert tasked with producing a report confirming the achievement of proper remediation of the site and providing a collateral warranty for the benefit of South Cambridgeshire District Council, and subject to the Conditions referred to in the report, amended as necessary as a result of further consultation and negotiation.

A draft Section 106 Agreement has been issued. The application remains undetermined pending its completion.

#### **S/2308/06/O Referral to the Secretary of State**

11. The application was referred to the Secretary of State. In her decision letter dated 4<sup>th</sup> July 2008 she stated: “that the main matters relevant to her decision in this case are her policies which promote high quality, inclusive design in terms of function and impact, which takes the opportunities available for improving the character and quality of an area (PPS1, Delivering Sustainable Development); to assist in safeguarding the countryside from encroachment (PPG2, Green Belts); meet the housing requirements of the whole community (including those in need of affordable housing), widen housing opportunity and create mixed communities (PPS3, Housing); maximise the use of previously-developed land in sustainable locations for all forms of built development (PPG4, Industrial/Commercial); ensure that development proposals are in line with sustainable development principles and, consistent with these principles and taking account of the nature and scale of the development, that development is located in sustainable (accessible) locations (PPS7, Sustainable Development in Rural Areas); adequate provision is made for development and economic growth whilst ensuring effective conservation and enhancement of the diversity of England’s wildlife and geology (PPS9, Biodiversity and Geological conservation); promote accessibility to development comprising jobs, shopping, leisure facilities and services so that there is a realistic choice of access by public transport, walking and cycling, recognising this may be less achievable in some areas (PPG13, Transport); encourage the redevelopment and beneficial use of contaminated land and to ensure that any unacceptable risks to human health, buildings and the environment are identified and properly dealt with as new development and land uses proceed (PPS23, Planning and Pollution Control); ensure that all planning applications in flood risk areas be accompanied by a flood risk assessment (PPS25, Development and Flood Risk).
12. Having considered carefully these and other relevant planning issues raised by this proposal, the Secretary of State is of the view that the applicant appears to have taken PPG2 into account and to have accepted that the proposed development is inappropriate development in the Green Belt. The applicant has therefore put forward very special circumstances, which in his view outweigh the harm caused by the development. The Secretary of State is satisfied that the issues raised do not relate to matters of more than local importance, which would be more appropriately decided

by her rather than the Local Planning Authority. She has therefore concluded that the application should be decided by South Cambridgeshire District Council.”

### **Section 106 Agreement**

13. The draft agreement has been the subject of extensive discussions since application S/2308/06/O was considered at Planning Committee in October 2007. The agreement comprises:
- (a) Provision of a NEAP within Hauxton village;
  - (b) Provision of LEAP within the site;
  - (c) Contribution towards public transport improvements;
  - (d) Contribution towards pedestrian and cycleway improvements along the A10;
  - (e) Provision of Extra-Care units on the site;
  - (f) Contribution towards Great Shelford health centre improvements;
  - (g) Contribution towards a new Primary School;
  - (h) Provision of a River Corridors Ecology management Plan;
  - (i) Contribution towards community facilities in Hauxton Village;
  - (j) Setting up a Consultative Committee;
  - (k) Provision of an Ecology Management Plan;
  - (l) Provision of Residential and Employment Travel Plans;
  - (m) Provision of a Flood Mitigation Plan;
  - (n) Contributions and commuted sums for open space;
  - (o) Provision, transfer, contribution, commuted sum and works to sports land.
14. The draft S. 106 Agreement does not include the provision of, or a contribution to, public art. The applicant has balanced viability considerations with local requirements, including contributions to education, healthcare and village hall. Planning committee considered the application against the background of the adopted Local Development Framework Policy SF/6, which encourages the provision of public art. It is not mandatory. I do not consider the situation has changed to warrant pursuing such a contribution. In all respects the draft agreement has successfully incorporated all the requirements of Committee on 3<sup>rd</sup> October 2007.
15. Moreover, the objections raised by the Environment Agency and Highways Agency have been withdrawn in the consideration of application S/2014/08/O.

### **Applicant's submissions since 5<sup>th</sup> August 2009**

16. In response to the Planning Committee's resolution on 5<sup>th</sup> August in regard to application S/2014/08/O the applicant has submitted additional documentation, which reflects the information submitted previously in respect of the above-mentioned application.
17. The proposals remain exactly the same as considered by Committee on 3<sup>rd</sup> October 2007. The updated material comprises:
- (a) Revised Planning Statement
  - (b) Revised Design and Access Statement
  - (c) Addendum to the Ecological Assessment prepared by RSK Environment Ltd
  - (d) Addendum to the Transport Assessment prepared by Savell Bird and Axon.
  - (e) Environmental Statement, which is a consolidated document formed of information previously submitted in respect of application S/2014/08/O.

## LDF Site Specifics Policy DPD

18. The submission Draft January 2006 contained the following relevant policies:

(a) SP/7

“1. Land at Bayer CropScience Plc, Hauxton, is allocated for a sustainable mixed-use development. Development of the 8.7 hectare site will comprise an even balance between jobs in B1 employment development, and numbers of dwellings, as well as open space and community facilities.”

Section 2 sets out a number of matters to be included within the development;

(b) SP/10

“The following sites are allocated for employment development for uses within Class B1 of the Town and Country Planning (Use Classes Amendment) Order 2005 (Offices; Research and Development; and Light Industry):

“c. The former Bayer CropScience site at Hauxton as part of a mixed-use redevelopment.	Total Site Size to be specified following the preparation of a Masterplan or Development Brief.”
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19. The Inspectors who examined the Site Specific Policies DPD issued their report for ‘fact checking’ on 12<sup>th</sup> August 2009. That report changed the policy for the Bayer CropScience site to propose a high density residential-led development and the supporting text has also been changed to indicate that the development is expected to provide around 380 dwellings.
20. The DPD which was submitted to the Secretary of State in January 2006 proposed the redevelopment of the Bayer CropScience site to provide a mixed housing/employment development comprising an even balance between the number of jobs created and the number of houses. The supporting text indicated that the policy would provide around 250 dwellings.
21. Agents acting on behalf of Bayer CropScience objected to the DPD. The land was subsequently acquired by Harrow Estates who submitted this planning application for a residential-led mixed use redevelopment which proposed a lower amount of employment development and a correspondingly higher number of dwellings.
22. The objection to the Site Specific Policies DPD was heard by the Inspectors on 5<sup>th</sup> December 2007 when they had before them the objectors proposals for the scheme for 380 dwellings considered by the Planning Committee. Officers advised the Inspectors of the resolution to grant planning permission to the scheme subject to the resolution of a number of detailed issues.
23. Having considered all the evidence, the Inspectors 12<sup>th</sup> August 2009 ‘fact check’ Report amended the policy for the Bayer CropScience site to increase the housing content of the policy as follows (net changes underlined):
24. Consequently Part 1 of Policy SP/7 will read:
- “1. Land at Bayer CropScience Plc, Hauxton, is allocated for a sustainable **high density, residential led** mixed-use development. Development of the 8.7 hectare site will comprise housing and B1 employment development as well as open space

and community facilities. **Development will be required to provide appropriate contributions to local services and facilities and the provision of a high quality bus service and cycle links to Cambridge (including long-term financial support if necessary).**”

25. The supporting text at Paragraph 2.14 will read:

“2.14 The Bayer CropScience site near Hauxton offers a specific opportunity where a brownfield site is to come available for redevelopment, located near to the edge of Cambridge. The site comprises an intensively developed industrial site, including manufacturing and warehousing. Appropriate redevelopment will comprise a mix of uses, to maximise sustainability. It is anticipated that it will provide around 380 dwellings. **The Council’s Planning Committee has resolved to grant planning permission subject to the resolution of a number of issues. A revised application that addresses these issues was submitted in November 2008.** it will enable visual improvement of this prominent site, improving a major approach into Cambridge. It will need to be sensitively designed to take account of its position surrounded by Green Belt. It is capable of being developed with good links to the Trumpington West development, and the Trumpington Park and Ride, as well as the village of Hauxton itself. The site also offers opportunities for improved access to the River Cam. Part of the site lies within the medium risk flood zone, and appropriate mitigation measures will be required. Proposals for **the** redevelopment of the recreation buildings and waste water treatment facility on the western side of the A10 will be considered in the context of proposals for appropriate development within the Green Belt. **As a planning objective it would be highly desirable to secure the removal of the incongruous industrial structures on the site. Particular consideration should be given to proposals that remove these structures and improve the visual appearance of the site.**”

26. Finally the Inspector states:

“The Council will need to correct the drafting error on the Proposals Map to exclude from the Green Belt the section of the site which is covered by hardstanding within the perimeter wall.”

27. The revised text inserted by the Inspectors states that this policy is anticipated to provide around 380 dwellings. On the basis of the October 2007 resolution of the Committee, the Inspectors were advised in March 2009 that the contribution from this site towards meeting the housing shortfall which the Inspectors had previously asked the Council to address would be 130 dwellings.
28. As part of the recent officer ‘fact check’ the Inspectors were advised that the Planning Committee refused planning permission for the second planning application for development at its August 2009 meeting, that the planning application subject to the October 2007 resolution remains undetermined and that the applicants have asked for that application to be returned to be Committee for determination.
29. The Inspectors final report was received on 28<sup>th</sup> September 2009 confirming the changes included in their ‘fact check’ report. The Inspectors final report is binding on the Council. The Council cannot therefore make any other changes to the DPD prior to adoption. Technically, any planning application which is not in accord with the DPD which was submitted in January 2006 would be a departure from the development plan until it is adopted by Council and would have to be referred to the Secretary of State. Because the application subject to the October 2007 Committee resolution has already been referred to the Secretary of State who has decided not to intervene, there is no impediment to the Planning Committee approving that application.

## **Consultations in regard to applicant's submissions**

30. If an Environmental Statement is submitted after the submission of a planning application, the applicant is responsible for publicising the statement both in the local press and on the site. This has been done.
31. All consultations in regard to application S/2014/08/O remain relevant (Appendix 1). A number of consultees have responded further.
32. **NHS Cambridgeshire** confirms that agreement was reached that a sum of £168,750 would be made in respect of a Section 106 contribution to fund an extension to Shelford Health Centre. This should be maintained. It also needs to be satisfied that the land has been properly assessed for environmental and health risks and that contamination has or will be suitably dealt with to reduce any risks to an acceptable level.
33. **County Council New Communities** has already agreed a contribution (£762,933) to be applied to primary education in Hauxton.
34. **Natural England** has no additional comments to those already provided.
35. **Ramblers Association** would have concerns if the safe passage of walkers were to be impaired.
36. **Environmental Health Protection Team Leader** comments:

"I wish to confirm that I have received a copy of the above application, and the additional material, and have considered the implications of the proposals with respect to land contamination and human health, noise and air quality (including dust). In order to give a comprehensive response, previous comments on consultations concerning these documents have been re-iterated below along with recommended conditions.

The redevelopment of this site cannot take place until the remediation, as agreed in S/2307/06/F, has been completed and validated. Conditions attached to the remediation application S/2307/06/F have been drafted in full consultation with the Environment Agency. The inclusion of residential use within this proposal will ensure that the standard of remediation undertaken is to a higher specification than would be required by enforcement of the Contaminated Land Regulations to remediate the site. A number of conditions relating to land contamination are recommended below. The proposal to include a requirement within the S106 agreement for a consultative committee to be set up is fully supported by this department. This will enable a means of communication between all parties potentially affected by these proposals.

The air quality assessment has concluded that there will not be a significant impact from emissions arising from this development. However, with any large development we would encourage a low emission strategy approach to reduce the impact of vehicle emissions arising from the development. The applicant has embraced this concept with the provision of a new bus service embodied within a S106 Agreement.

Dust arising from redevelopment has the potential to impact on adjacent land and residential properties. In order to mitigate any impact, the measures detailed in the document 'Environmental Statement - Main Report' August 2009, Section 8.54: 'Construction Impacts' should be in place prior to commencement of works, see condition 1 below. Best practice is detailed in the Building Research Establishment (BRE) document titled 'Controlling dust from construction sites' (2003).

Spectrum Acoustic Consultants, in their report: Noise Impact Assessment on proposed development at Former Bayer CropScience Site, Cambridge Road, Hauxton, Ref NDD2217/NDT/26116, concluded that the site immediately adjacent the A10 was in category NEC C whilst the majority of the site lies in NEC B. This means that conditions will be needed in some properties to ensure an adequate level of protection from traffic noise, see condition 2 below.”

The above-mentioned conditions are included in my recommendation below. (conditions 32 and 33).

37. **Highways Agency** has no objections subject to the imposition of a condition to ensure the highway improvements at M11 J11 have been implemented before any part of the Bayer Site development is brought into use.
38. **County Highways Authority** has no objections. It notes that:
  - (a) The A10 junction “shows a left in/left out on the western minor arm with no signal control. With this layout and the existing low flows the lack of signal control on this arm is acceptable. However, the Highway Authority would bring to the attention of the developers that there is very limited potential with the proposed layout for upgrading to accommodate a signalised fourth arm that would carry any significant flow without compromising the capacity of the major road and the junction with the M11 to the north-east. This may have implications for their future aspirations at the site to the west of Hauxton Road and prejudice its future development.
  - (b) Please ensure that all of the Highway Authority’s comments have been taken on board and implemented within the submitted document.
  - (c) The junction will need to be designed to a 50mph design speed, as the limit is not reviewable until the works have been completed and comparisons have been made between the data taken before and then after the implementation of the site.
  - (d) Please condition that the submitted indicative drawing submitted with this outline application does not include sufficient information in respect to any Reserved Matters application that maybe submitted to the future.
39. **Anglian Water** has no objections. It has provided advice to the applicant as informatives. It states that foul drainage will be treated at Haslingfield Sewage Treatment Works that at present has available capacity for these flows.
40. **County Council Definitive Map Officer** broadly approves of the proposed treatment of the three public footpaths within the planned development. However, he has a number of specific comments about the detail of the proposals and some concerns regarding the need to properly integrate the new community within an enhanced local public access network. The applicants are recommended to meet the Countryside Access Team to discuss the protection and enhancement of the existing network, a desire to establish a public right of way along the River Granta to Great Shelford, for which an estimated sum of £30,000 would be necessary and an upgrading of the shared use foot/cycle path running along the west side of the A10 into Cambridge.

## Representations

41. The owner of The Little Manor and land adjoining to the east of the site does not believe that this application should proceed further, given that an identical application has been refused and previously outstanding points on the original application have failed to be resolved for nearly two years. Nevertheless the following objections (summarised) are repeated:
- (a) The number of dwellings breaches Government guidelines and requires a density of housing and population, which is unsuitable for the location;
  - (b) Lack of affordable housing cannot be compensated for by wardened housing for the elderly, much of which will be sold to wealthy pensioners. This defies Government Policy and is socially divisive;
  - (c) When the houses are constructed, breaching of the 1 metre cover system may endanger human health. It will continue to be a health hazard and to contaminate the adjacent river, particularly if the failing bentonite wall is removed or further breached;
  - (d) The adequacy of the Environmental Impact Assessment is questioned and would be the subject of a further application for judicial review; and
  - (e) The site cannot be made permanently safe for residential development. The Environment Agency should use its powers to make the polluter pay and serve notice on Bayer to clean-up the site.
42. The owner of the nature reserve and woodland nursery on the south side of Church Road comments:
- (a) This application should be refused on the same grounds as application S/2014/08/O;
  - (b) The approval of remedial work is noted. If the site is cleared of chemical contamination, approval for the construction of domestic housing could be given. Should any health risk arise later due to the previous contamination of the site, then SCDC would be legally liable. This could be extremely expensive for ratepayers of the future.
  - (c) The proposal is still that of an urban development by its density, height and appearance of buildings. This is not suitable or appropriate in the rural setting of Hauxton village.
  - (d) Should now or in the future the Planning Committee approve an application it is important that the landscaping established on the North side of Church Road is maintained between Church Road and the nearest buildings erected to the road.
  - (e) Serious consideration must be given to the traffic problem which would be created at the junction of Church Road and the A10.

The writer is not against some development of this site but is concerned with the health issues and the way such a development would fit into the village structure of Hauxton.

43. Cam Valley Forum (CVF) has asked that its previous objections on both redevelopment applications be taken into account. These are summarised as follows:
- (a) The size and density of the proposed development will inevitably lead to an unsightly urban intrusion into the landscape of the Cam River valley, entirely contrary to the stated environmental policy of South Cambridgeshire District Council to enhance and protect this area from exactly this kind of development;
  - (b) The lack of affordable housing and the nature and size of the development will mean that it will overshadow Hauxton village and bring little benefit to those in need of local housing;
  - (c) There is a lack of care for either the present condition or future use of the listed buildings on the site. Recent damage to the river-wall of the Mill House, and the unsatisfactory explanation put forward for the cause of this is noted.
  - (d) The application that has been 'resurrected' lacks the few concessions and improvements that were made in the recently refused application. The suggestion of phased development is opposed and the environmental information added here to the old application is so fragmentary as to be almost meaningless. It is essential that the whole of this site is remediated to a condition that makes it suitable for housing before any development takes place on any part of the site.

CVF does not feel that this is the proper way to push through redevelopment of the site in opposition to the concerns expressed, and the decision made, at the Planning Committee on 5 August 2009.

#### **Representations by the applicant**

44. In response to the decision to refuse application S/2014/08/O the applicant has commented further on the specific grounds in the Amended Planning Statement.
45. On the matter of density it is stated that:
- (a) The density is in accordance with the provisions of the Inspector's Report into the emerging Site Specific Policies DPD (subject to fact checking) and specifically Policy SP/7.
  - (b) "For an essentially sub-urban site on a transport corridor, proposed to accommodate predominantly terraced houses and flats such as the former Bayer CropScience Ltd site, the Urban Design Compendium (September 2007) states that an average net density range of 50-80 dwellings per hectare is common. However, even if it were to be argued that the site should be described as a 'currently remote site' in a 'sub-urban' setting the Urban Design Compendium suggests a scheme with predominantly detached and linked houses would have a density range of 30 to 65 dwellings per hectare. The net density proposed of 54 dwellings per hectare therefore sits comfortably within either of these density parameters and demonstrates that there is a range of design solutions available to inform the final scheme design through the submission of reserved matters."
  - (c) "This density is also generally in line with Policy HG/1 of the Development Control Policies DPD which states that higher net densities of at least 40

dwellings per hectare should be achieved in sustainable locations where there is a good range of services and where there is potential for good local public transport services. The provision of improved local services and public transport services in conjunction with the development will make the site a sustainable location.”

- (d) “The density of the site accords with the objectives and guidance of PPS3. The significant improvements to the local public transport accessibility, the need to use land efficiently, the need for housing in the District and sub-region and the opportunity to promote high quality design make the site suitable for the level of development proposed in accordance with PPS3.”
- (e) “It should be recognised that the measurement of density is however only a crude indicator of levels of development on a site. The urban Design Compendium 2 (September 2007) provides an important example of this crudeness explaining that apartments built at 60 dwellings per hectare can have a smaller built volume than larger houses at 30 dwellings per hectare.”
- (f) “At the former Bayer CropScience Ltd site if the levels of 1 and 2 bedroom units required to meet the Council’s prescriptive mix of dwelling sizes set out in Policy HG/2 of the Local Development Framework are provided the density of the site is effectively skewed upwards. The likely compact form of the proposed Extra-Care housing, a feature of this type of housing, will also accentuate the skewed effect. However, if the probable size and form of these 1 and 2 bedroom units are taken into account the appearance of the site would not appear to be overdeveloped.”

46. On the matter of affordable housing it is stated that:

- (a) “The Council has indicated that there is a need for Extra-Care housing including an affordable element. Therefore, the provision is in accordance with Policy HG/2 which requires affordable housing to be of an appropriate mix to respond to identified housing needs at the time of the development.
- (b) It is proposed that 50% of the seventy Extra-Care dwellings will be affordable and be provided by an agreed Registered Social landlord (RSL) either on a shared ownership and/or social rented basis. This will equate to nearly 10% of the overall potential 380 dwellings on site being affordable. The delivery of these units will be ensured through their inclusion as an obligation in the S.106 legal agreement for the redevelopment of the site.”
- (c) Whilst the provision of affordable housing is below the Council’s target of 40% of dwellings being affordable, paragraph 3 of Policy HG/3 of the adopted Local Development Framework provides for negotiation on the proportion of affordable housing to take account of any particular costs.

47. Harrow Estates has prepared and submitted to the Council detailed housing viability appraisals on a private and confidential basis which demonstrate that the redevelopment of the site cannot afford to provide a greater level of affordable housing than currently proposed without compromising the deliverability of the redevelopment proposals. The current S.106 infrastructure provisions have been maintained from the levels agreed in 2007 despite the precipitous decline in the housing market in the interim period. If more affordable housing is required than currently proposed then the infrastructure provisions will have to be reduced and the proposals critically affected.

## **Planning Comments**

48. Applications S/2308/06/O and S/2014/08/O propose the same amount of development and same mix of uses on this brownfield site. In October 2007 Planning Committee resolved to approve the former application, subject to resolution of outstanding matters. Yet in August 2009 it resolved to refuse the latter application.
49. Since October 2007 the outstanding issues have been substantially resolved and all the necessary contributions and infrastructure requirements have been incorporated in the draft Section 106 Agreement which is close to completion.

## ***Density***

50. Following the issue of the decision on application S/2014/08/O, the Inspector's Report on the examination into the Site Specific Policies DPD has been received. Not only does it confirm the allocation of the site for a high density, residential led mixed-use development, but it also specifies that the development will provide around 380 dwellings. This overcomes reason No. 1 of the decision upon application S/2014/08/O. Moreover, it accords with Government Policy within Planning Policy Statement (PPS) 3, Housing, which states at paragraph 40 that 'a key objective is that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed' and, at paragraph 45, 'Using land efficiently is a key consideration in planning for housing.'
51. Moreover, in deciding planning applications, Local Planning Authorities should have regard to achieving high quality housing (paragraph 69, PPS3), a variety of housing, particularly in terms of tenure and price and a mix of different households (paragraph 20, PPS3) and a variety of high quality market housing (paragraph 25, PPS3).
52. This proposal achieves the efficient and effective use of land. High quality housing is not necessarily synonymous with low density. PPS3 states at paragraph 50 that '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. The quality of the housing development will be an important consideration when any application for the submission of reserved matters is received.
53. Although the net density is 54 dwellings per hectare and accords with adopted Policy HG/1 of the Local Development Framework 2007, it must be remembered that the intended mix of 50% one and two bedroom dwellings, 25% three bedroom and 25% four or more bedroom dwellings fully accords with the provisions of Adopted Policy HG/2 of the Local Development Framework 2007.

## ***Affordable Housing***

54. The applicant has previously demonstrated that, due to the cost of the remediation works on the site, the provision of affordable units will be limited. However Harrow Estates has previously agreed with this Authority to provide 70 Extra-Care dwellings on the site. This type of housing provides integrated care and support for frail older people and should not be confused with nursing or residential care homes. The Extra-Care units are purpose built housing which can be in the form of self contained apartments with communal facilities providing a range of support and leisure services to enable residents to live independently. The number equates to 20% of the housing stock. These units are to be constructed by a Registered Social Landlord (RSL) under provisions of the draft S.106 Agreement, which states that at least 50% of the units shall be disposed of by way of shared ownership and/or social rented and that the mix shall be 25/45 one bedroom/two bedroom units.

55. In response to reason No. 2 of the decision upon application S/2014/08/O, the applicant has carried out two further viability appraisals utilising the Housing Corporation Appraisal model to assess potential affordable housing models. These appraisals include agreed S.106 education, infrastructure/public transport, community facilities, primary care trust and other costs (including open space). One scenario assumes provision of the 70 Extra-Care homes, of which 50% would be affordable; the other assumes provision for 20% affordable housing with no grant funding. The former demonstrates the Section 106 payments are a considerable burden upon development, whilst the latter appears to be an uneconomic option.

56. The provision of a mix of housing, both market and affordable, is an important objective of Government Policy. However, it is recognised that development may not be able to meet all requirements set out in policies and still be economically viable. Circular 05/2005, Planning Obligations, states at paragraph B10:

"In some instances, perhaps arising from different regional or site-specific circumstances, it may not be feasible for the proposed development to meet all the requirements set out in local, regional and national planning policies and still be economically viable. In such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers in its area supported, for example, by local or central taxation. If, for example, a local authority wishes to encourage development, it may wish to provide the necessary infrastructure itself, in order to enable development to be acceptable in planning terms and therefore proceed, thereby contributing to the sustainability of the local area. In such cases, decisions on the level of contributions should be based on negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place."

57. Policy HG/3 of the LDF Development Control Policies, adopted July 2007, reflects the Government approach in this regard. Paragraph 3 of the Policy states;

"Within individual developments, the proportion and type of affordable housing will be the subject of negotiation with applicants. Account will be taken of any particular costs associated with the development (e.g. site remediation, infrastructure provision) and other viability considerations, whether there are other planning objectives which need to be given priority, and the need to ensure balanced and sustainable communities."

### **Conclusion**

58. In accordance with Section 54A of the Act, planning applications should be determined in accordance with the policies in the development plan, unless material considerations indicate otherwise. The Core Strategy DPD was adopted in January 2007 with the Development Control Policies DPD adopted in July 2007. The final Inspector's binding report on the public examination of the Site Specific Policies DPD has been received. Adopted SPDs of particular relevance are Open Space in New Developments (January 2009), Public Art (January 2009) and Biodiversity (July 2009).

59. The site is allocated for a high density, residential led, mixed-use development under Policy SP/7 Bayer CropScience within the Site Specific Policies DPD. This is to provide around 380 dwellings, which will contribute towards the Council's housing provision for the District. It will also correct a drafting error to exclude a small part of the site from the Green Belt.

60. The case provided by the applicant in support of this application has demonstrated that, with the removal of the industrial use and the cleaning of the site, a grant of planning permission will deliver a sustainable development, which will visually improve this prominent site. Furthermore the improvement works would also allow for further ecological enhancements within the area and allow for the opportunity to provide an enhanced appearance to the edge of the Green Belt and the approach to Cambridge.
61. Due to the level and type of contamination on the site this application represents a real opportunity to not only improve the site but also the appearance of the immediate area. It can only proceed on the basis that the site is remediated to a satisfactory level in consultation with the Environment Agency and the Council's Environmental Health Officers and to the strict conditions to be imposed on the permission for the remediation of the site.
62. The draft S.106 Agreement incorporates a raft of measures considered necessary in accordance with Circular 05/2005 to support the development and the local community facilities. A reduced level of affordable housing provision is considered justified in the light of the costs of remediation and the extent of other negotiated obligations achieved in accordance with adopted Policy HG/3.

### **Recommendation**

63. Subject to the prior completion of the S.106 Agreement, it is recommended that the application be approved, subject to the following conditions, substantially in those terms but subject to any revisions considered necessary to secure completion of, and to accord with, the S.106 Agreement.
64. The following conditions are recommended:
  1. Applications for approval of the reserved matters for any building, phase or sub-phase shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission.  
(Reason - The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Sections 91 and 92 of the Town and Country Planning Act 1990, as amended.)
  2. The development of any building, phase or sub-phase hereby permitted shall be begun before the expiration of 2 years from the date of the approval of the last of the reserved matters for the relevant phase.  
(Reason - To comply with Section 92 of the Town and Country Planning Act 1990, as amended.)
  3. Prior to the commencement of any building, phase or sub-phase of development, approval of the details of the layout, scale, appearance, and landscaping of that building, phase or sub-phase (herein called the "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved.  
(Reason - The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Sections 91 and 92 of the Town and Country Planning Act 1990, as amended.)

4. Prior to the first submission of reserved matters, a Plan identifying the intended disposition of phases, which shall include proposals for the Listed Buildings at Hauxton Mill and Mill House, shall be submitted to and approved in writing by the Local Planning Authority. Development shall not proceed other than in accordance with the approved phasing plan or such other phasing plan as may be submitted and agreed in writing by the Local Planning Authority.  
(Reason - To control the development in detail.)
5. Development approved by this permission shall not be commenced unless a validation report, as detailed in the Remediation Method Statement for application S/2307/06/F, has been approved in writing by the Local Planning Authority. The validation report shall include details of the post remediation surface water drainage, management and maintenance and such provision as agreed shall thereafter be provided to the satisfaction of the Local Planning Authority. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring and reporting shall also be detailed in the report.  
(Reason - To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.)
6. No building, phase or sub-phase shall commence until the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.  
(Reason - The site is contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.)
7. All dwellings under any reserved matters approvals granted pursuant to S/2014/08/O shall be designed and constructed to a minimum level 3 of the Code for Sustainable Homes (DCLG, December 2006). Prior to the occupation of any residential building, a certificate following post-construction review, shall be issued by a Code for Sustainable Homes Licensed Assessor to the Local Planning Authority, indicating that the relevant code level has been met.  
(Reason - In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of building and to ensure that the development makes an appropriate contribution to meeting the challenges of climate change in accordance with Policies DP/1 and NE/1 of the adopted Local Development Framework 2007.)
8. Prior to submission of any application for reserved matters approval for any building, phase or sub-phase, details of methods to be used across the site to ensure a minimum of 10 percent of energy is generated from renewable sources shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented and retained in effect thereafter unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - To ensure the development achieves the usage of a minimum of 10 percent of its energy from renewable sources across the site in accordance with South Cambridgeshire Local Development Framework Policy NE/2 adopted 2007.)

9. Prior to the commencement of development of any building, phase or sub-phase, a scheme for the provision and implementation of pollution control of the water environment, which shall include foul water drainage, shall be submitted to and agreed in writing by the Local Planning Authority. The works/scheme shall not be constructed and completed other than in accordance with the approved plans.  
(Reason - To ensure a satisfactory method of foul water drainage and to prevent the increased risk of pollution to the water environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)
10. No spoil or materials shall be deposited or stored in the floodplain, nor any ground raising allowed within the floodplain, until the flood relief channel referred to in conditions 13 and 14 below has been implemented or unless expressly authorised in writing by the Local Planning Authority.  
(Reason - To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity In accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
11. Prior to the commencement of development of any building, phase or sub-phase a scheme for the provision and implementation of surface water drainage in accordance with the agreed Hauxton Flood Risk Assessment Final Report Version 3 dated November 2008 shall be submitted to and agreed in writing by the Local planning Authority. The works/scheme shall not be constructed and completed other than in accordance with the approved plans/specification and at such time(s) as may be specified in the approved scheme.  
(Reason - To ensure a satisfactory method of surface water drainage In accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
12. Prior to the commencement of development of any building, phase or sub-phase the maintenance and ownership of the surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be maintained in accordance with the approved plans/specification.  
(Reason - To ensure the correct and long-term operation of the surface water system.)
13. The flood relief channel located within the field to the north east of the River Cam, and highlighted in Figure 11 within the Entec Hauxton Flood Risk Assessment Final Report Version 3 November 2008 (FRA), shall be constructed and fully operational prior to any development, including ground raising, other than remediation, taking place on the land south of the River Cam.  
(Reason - To ensure no loss of flood storage due to the proposed development in accordance with Policies DP/1 and NE/11 of the adopted Local development Framework 2007.)
14. The physical dimensions of the Flood Relief Channel, Inlet Weir and Outlet control shall be strictly constructed in accordance with drawing No.'s 17657/R/CVD/002/B and 17657/R/CVD/003/A and modelling report dated September 2007 (see informative below), unless otherwise agreed in writing by the Local Planning Authority. Any changes in these dimensions will require further modelling in order to ensure no increased flood risk elsewhere and shall be approved in writing by the Local Planning Authority.  
(Reason - In order to ensure the Flood Relief Channel is operational, as designed, during times of flood.)

15. No works shall take place within the field to the northeast of the River Cam and highlighted in Figure 11 of the FRA, except for the said Flood Relief Channel.  
(Reason - To ensure the floodplain of the River Cam is protected.)
16. Prior to the commencement of development, the minimum ground floor level of any building approved under any reserved matters application following this Outline consent shall be submitted to and agreed in writing by the Local Planning Authority and shall be at least 11.91m AOD to 12.18 AOD depending on site location and shall be cross linked to Section 4.2 of the FRA and associated modelling report.  
(Reason - To provide a reasonable freeboard against flooding and an allowance for climate change.)
17. Prior to the commencement of development of any building, phase or sub-phase a programme of phasing for the development including temporary surface water disposal shall be submitted to and approved in writing by the Local Planning Authority.  
(Reason - To ensure that flood risk is not increased elsewhere and there is no impact on the remediation scheme.)
18. Prior to the commencement of development of any building, phase or sub-phase a programme demonstrating the phased implementation of approved highways and transport works shall be submitted to and approved in writing by the Local Planning Authority. Such works as are approved shall be implemented having regard to the phasing agreed, and prior to the occupation of either commercial or residential development in each relevant approved phase.  
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
19. No development of any building, phase or sub-phase, the subject of this approval, shall commence until a detailed scheme for the provision of vehicle access junctions onto Church Road has been submitted to and approved in writing by the Local Planning Authority, in consultation with Cambridgeshire County Council.  
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
20. No part of the Bayer Site development shall be brought into its intended use unless, and until, the highway improvements as shown in outline on the (Savell Bird & Axon) drawing 62383/A/21 dated 1<sup>st</sup> April 2009 have been implemented to the satisfaction of the Local Planning Authority (SCDC) in consultation with the Local Highway Authority (Cambs CC).  
(Reason - The Local Planning Authority must be satisfied with all the details of the proposed improvement to the A10 prior to the commencement of construction work in the interests of highway safety to comply with Policy DP/3 of the adopted Local Development Framework 2007.)
21. No part of the Bayer Site development shall be brought into its intended use unless, and until, the highway improvements as shown in outline on the (Atkins) drawing 5026095/006/002 Revision B dated 10<sup>th</sup> October 2006 have been implemented to the satisfaction of the Local Planning Authority (SCDC) in

consultation with the Local Highway Authority (Cambs CC) and the Highways Agency acting on behalf of the Secretary of State for Transport.  
(Reason - The M11 Motorway Junction 11 is unfit to accept the additional traffic that the development would generate until the proposed improvement has been completed.)

22. Reserved matters applications for any building, phase or sub-phase in proximity to the listed buildings (comprising the Mill House and Mill Building, together with the curtilage listed New Mill House) shall include external design, scale and massing details, sufficient to enable the Local Planning Authority to fully consider the impact of the proposed development on the character and setting of the Listed Buildings. Submissions should further include sufficient information to enable the Local Planning Authority to determine that proposals will not unacceptably impact the ability of the listed buildings to be adapted and used (subject to relevant consents) for a range of appropriate uses.  
(Reason - To ensure that the character and setting of the Listed Buildings are protected and that they are incorporated into the development with an appropriate use in accordance with Policy CH/4 of the adopted Local Development Framework 2007.)
23. No development of any building, phase or sub-phase shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.  
(Reason - To ensure an adequate water supply is available for emergency use.)
24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes [A, D, E, F and G] of Part [1] within Classes [A and B] of Part [2] and within Classes [A, B and C] of Part [8] of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.  
(Reason - The site is contaminated and subsequent foundation works could lead to the contamination of groundwater in the underlying aquifer.)
25. During the period of construction no work or other activities involving the use of heavy plant and equipment shall take place on site on Sundays or Bank Holidays, and all work and other activities involving the use of heavy plant and equipment on other days shall be confined to the following hours:  
8.00 a.m. until 6.00 p.m. Monday – Friday  
8.00 a.m. until 1.00 p.m. Saturdays  
(Reason - To safeguard the amenities of the nearby residents during development in accordance with Policy NE/15 of the adopted Local Development Framework 2007).
26. No artificial lighting shall be provided within ten metres of any watercourse or area of semi-natural vegetation without the prior written approval of the Local Planning Authority.  
(Reason - To control light pollution and disturbance to biodiversity associated with the River Cam and its associated watercourses and habitats in accordance with Policy NE/6 of the adopted Local Development Framework 2007.)

27. Prior to the commencement of development of any building, phase or sub-phase, a Strategy for the Control of Japanese knotweed shall be submitted to the Local Planning Authority for written approval. The approved Strategy shall be fully implemented within an agreed timescale.  
(Reason - To control the spread of a highly invasive non-native plant and to safe guard biodiversity in accordance with Policy NE/6 of the adopted Local Development Framework 2007.)
28. Development approved by this permission shall not be commenced unless a Human Health Detailed Quantitative Risk Assessment, and method statement for any remedial measures required, has been submitted to and agreed in writing by the Local Planning Authority.  
(Reason - To ensure the site will be suitable for the proposed development.)
29. Prior to the importation of materials, if required, details of the supplier and confirmation on the source(s) of any soil material should be supplied to the Local Planning Authority. The soil should be free from metals, plastic, wood, glass, tarmac, paper and odours associated with contaminated soils as specified in BS 3882:1994 - Specification for Topsoil. A description of the soil materials should be forwarded to the Local Planning Authority based on BS5930 Code of Practice of Site Investigations.  
(Reason - To ensure that no contaminated materials are brought on to the site.)
30. Any soil materials brought onto the site shall be subject to appropriate sampling and analysis by a suitably qualified person. Details of the sampling and analysis shall be submitted to the Local Planning Authority for written approval within one month of the soils arrival on site.  
*Please note that sampling and analysis certificates submitted by the supplier of the soil material will not be accepted.*  
(Reason - To ensure that any materials brought on to the site are not contaminated.)
31. Sampling of material imported on to the development site should comprise random sampling for every 90m<sup>3</sup> of soil from a single source (see soil definition below). The required sampling frequency may be modified in writing by the Local Planning Authority when the source is known.  
Soil Source - the location of which the soil was loaded on to the truck prior to delivery at the site.  
(Reason - To check the quality of soils and materials being imported on to the site.)
32. No development of any building, phase or sub-phase shall commence until measures to mitigate potential dust arising from operations on site are in place as detailed in Section 8.54 'Environmental Statement - Main Report' August 2009.  
(Reason - To ensure that dust arising from operations on site does not lead to deterioration in air quality or a nuisance.)
33. No development of the residential units hereby permitted shall take place until a noise attenuation/insulation scheme (having regard to the building fabric, glazing and ventilation) for the residential units in order to protect occupants from A10 traffic noise have been submitted to and approved in writing by the Local Planning Authority. The noise insulation scheme shall demonstrate that external and internal noise levels recommended in British Standard

8233:1999 'Sound Insulation and noise reduction for buildings - Code of Practice' shall be achieved, having particular regard to rapid/purging ventilation requirements should achieving acceptable internal noise levels rely on keeping openable windows closed. The noise insulation scheme as approved shall be fully implemented and a residential noise insulation scheme performance completion report shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any residential unit. The approved noise insulation scheme shall thereafter be retained and maintained in strict accordance with the approved details in perpetuity and shall not be altered without the prior written approval of the Local Planning Authority.

(Reason - To ensure that sufficient noise attenuation is provided to all residential properties to protect the residents from the impact of A10 traffic noise and safeguard the amenity and health of future occupiers in accordance with Planning Policy Guidance Note 24, 'Planning and Noise' and South Cambridgeshire Local Development Framework Development Control Policies 2007, Policy NE/15.)

Plus Informatives as required from the Highway Authority, Anglian Water, Environment Agency and Environmental Health Officer.

**Background Papers:** the following background papers were used in the preparation of this report:

- East of England Plan May 2008.
- Circulars 05/2005 and 11/1995.
- Government Policy Guidance.
- Local Development Framework Core Strategy and Development Control Policies 2007.
- Site Specific Policies DPD (Submission Draft 2006) and Inspector's Final Report.
- Open Space in New Developments SPD (adopted January 2009).
- Public Art SPD (adopted January 2009).
- Biodiversity SPD (adopted July 2009).
- Planning Files Ref: S/2308/06/O, S/2014/08/O and S/2307/06/F.

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