

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2nd December 2009

AUTHOR/S: Executive Director (Operational Services)
Corporate Manager (Planning and Sustainable Communities)

S/1260/09/RM – WATERBEACH

The approval of Siting, Design, Appearance and Landscaping of 62 Dwellings At Land Between Bannold Road and Orchard Drive For Morris Homes Ltd

Recommendation: Delegated Approval

Date for Determination: 14th December 2009

Notes:

This Application has been reported to the Planning Committee as the Parish Council's recommendation of refusal differs to that of officers.

Site and Proposal

1. The application site comprises of approximately 2.6 hectares (ha) of the wider 4.23ha development site, located to the north side of Bannold Road, separating the village from Waterbeach Barracks to the north. The site is hidden from public view, being enclosed by existing residential development and substantial mature hedgerows. The site backs onto the residential properties to the south, which front Bannold Road. These comprise bungalows with the exception of detached houses in Bannold Court, the rear gardens of which are largely fenced or planted. Waterbeach Barracks adjoins the entire northern boundary. The barracks is enclosed by a post and wire security fence approximately 3m high with two sets of security lights approximately 1.5m and 6m high set at regular intervals. A service road runs along the boundary on the barracks site, with two storey service houses beyond. In between this boundary and the proposed northern boundary of the site is piece of amenity land owned by the MOD, which is landscaped at a low level.
2. The site's western boundary adjoins the vehicle access to the Barracks. Lawns flank the roadway and the shared boundary is planted with mature trees. To the east are arable fields and Cody Road beyond which provides access to the service houses. The boundary is planted with mature trees and hedges, which form an effective screen. The site's topography, like the adjoining area, is relatively flat. The application site has been cleared from its previous nursery use with the construction of 30 dwellings already having been started on the eastern side of the wider development site, as approved under planning application S/1737/07/RM. The proposed balancing pond has also been constructed and at present is full of water.
3. The current application proposes the approval of the siting, design, appearance and landscaping for a further 62 dwellings. The site benefits from outline consent under application S/1551/04/O for residential development and reserved matters consent under application S/1737/07/RM for no more than 100 dwellings, under which the 30 constructed dwellings have been built or are under construction within the eastern

section of the wider site. This revised proposal reduces the overall amount of housing by 8 to 92 dwellings.

4. The density of the application site over its developable area of 1.7ha would equate to 36 dwellings per hectare (dph). In turn this would result in an overall residential density of the total developable land of approximately 30dph. The proposed accommodation of this application would provide 61 units of the following mix:
 - (a) 2 Bedroom apartments – 7 (all affordable)
 - (b) 2 Bedroom Houses – 15 – (10 affordable)
 - (c) 3 Bedroom Houses – 16 – (7 affordable)
 - (d) 4 Bedroom Houses – 24 – (3 affordable)
5. The proposed layout provides a network of permeable routes and spaces including pedestrian and cycle routes linking the development to surrounding areas. The developed site will have a central village green, which will also form an area of leisure and play (LAP) with informal open space adjacent to the western and eastern boundaries, with the latter containing a kickabout area and an area of locally equipped area for play (LEAP).
6. Accompanying the reserved matters application is a design and access statement, a planning statement, landscape proposals, S106 deed of variation and a flood risk and drainage assessment.

Planning History

7. The application site was identified for residential development in the South Cambridgeshire Local Plan, 2004, under Policy Waterbeach 1. In conjunction with this a development brief (draft) for the site was published in 2003.
8. Planning Application **S/1551/04/O** was approved for residential development up to 100 dwellings including means of access, public open space and landscaping.
9. Planning Application **S/1737/07/RM** was approved for the siting, design, landscaping and appearance of 100 dwellings.

Planning Policy

10. East of England Plan, 2008:
SS1 Achieving Sustainable Development
11. South Cambridgeshire Local Development Framework Core Strategy, DPD, 2007:
ST/5 Minor Rural Centres
12. South Cambridgeshire Local Development Framework, Development Control Policies DPD, 2007:
DP/1 Sustainable Development
DP/2 Design of New development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
HG/1 Housing Density
HG/2 Housing Mix
HG/3 Affordable Housing
SF/6 Public Art and New Development
SF/10 Outdoor Playspace, Informal Open Space, and New Developments

SF/11 Open Space Standards
NE/1 Energy Efficiency
NE/2 Renewable Energy
NE/3 Renewable Energy Technologies in New Development
NE/6 Biodiversity
NE/9 Water and Drainage Infrastructure
NE/10 Foul Drainage - Alternative Drainage Systems
NE/11 Flood Risk
NE/14 Lighting Proposals
NE/15 Noise Pollution
NE/16 Emissions
CH/4 Development within the Curtilage or Setting of a Listed Building
CH/5 Conservation Areas
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
TR/3 Mitigating Travel Impact
TR/4 Non-motorised Modes

13. **Development Affecting Conservation Areas SPD, 2009.**
14. **Open Space in New Developments SPD, 2009.**
15. **Public Art SPD, 2009.**
16. **Biodiversity SPD, 2009.**
17. **Landscape in New Developments, 2009.**
18. **District Design Guide (draft), 2009.**
19. **Affordable Housing SPD (Draft), 2009.**
20. **Circular 11/1995** – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
21. **Circular 05/2005** - Planning Obligations: Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultation

22. **Waterbeach Parish Council** – Recommends refusal commenting:
 - (a) The previous approval for this site included the provision of a significant amount of public open space and a buffer zone between the site and the barracks to the north, whilst the current application does not;
 - (b) Building within close proximity of the barracks; and loss of open space is unsatisfactory; Building up to the barracks fence means development is now on Green Belt land;
 - (c) Historically village green areas cause issues between residents using such spaces and those living within close proximity;

- (d) The justification for larger family homes should not be given credence, there is a need for smaller homes for young people to be able to remain within the village, as evidenced by the Village Plan;
- (e) The provision of isolated parking will encourage street parking, leading to issues of neighbour annoyance and access for utility and emergency vehicles;
- (f) There is a concern about how surface water has been addressed. The size and depth of the balancing pond, along with its swales, will involve footpaths being flooded at times thus reducing the amount of open space, particularly the kickabout areas;
- (g) The outlet from the balancing pond to the private ditch adjacent to the site and the effect of the water table to the existing properties is of great concern;
- (h) The FRA states that the council will take responsibility for the open drainage facilities since they form an integral part of the amenity provided by the public open space. It was previously agreed that an independent flood risk and drainage assessment of the viability of the proposals would be carried out and paid for by Morris Homes and that SCDC would recommend firms to carry out such works;
- (i) The exclusion of the buffer zone, open space to the north of the site, removes the footpath links to the open space play areas, which will mean that children will have to cross roads to access the play areas.

23. **Waterbeach Internal Drainage Board** – “It is noted that PPS25 promotes SUDS drainage and that this is one reason that the developer is promoting an alternative solution. However, whilst we have given technical approval to the original scheme, we could only give a qualified approval for the alternative infiltration scheme, as there is insufficient information to be able to assess long-term performance.

In the absence of historic groundwater level information if development proceeds, there must be a remedy put forward by the developer to guarantee performance of the infiltration system under all conditions in the future.”

24. **Environment Agency** – “The site lies wholly within the Internal Drainage Boards area and the ultimate decision on surface water drainage proposals rest with the board. However, to prevent the risk of exacerbating any local drainage problems, we would recommend that a stop notice be considered on the development until a satisfactory scheme can be agreed with the board.”

25. **Housing Enabling Manager** – “The housing association, Jephson, have confirmed that the revised mix is now acceptable. This mix deviates from the previous approved reserved matters and represents a reduction in the original number of units approved. Nevertheless, the development team believe that this is a more sustainable mix than previously agreed with Morris Homes as it provides for larger units with a scheme to provide 18 units for rent a 9 for shared ownership, which would meet local need.

HCA funding for the affordable units on this scheme has been secured and it is essential that consent be achieved to enable a start on site with this development before 31st March 2010. If this is not achieved then the funding that has been secured will be lost and will be put towards other schemes in the sub-region. In this present climate it is extremely unclear as to whether or not the authority would be successful in a further funding round should the target not be met. It is important to

note that a new S106 will be required as soon as possible with triggers built in which are acceptable to allow the authority and Jephson to meet the funding targets defined by the HCA. A 'KickStart' bid from Morris Homes via the HCA which is a national initiative instigated by the HCA to help "kickstart" stalled development sites has been achieved. We are supporting Morris Homes in their application for financial assistance for this site."

26. **Urban Design Team** – "It is understood that part of the original approval the southeast part of the site has been partly constructed. The original approval allowed for 100 units but the change is the revised layout submitted by the applicant for the remaining unconstructed part of the site is been made for 61 units, reducing the units by 9 on the overall site.

The revised layout has rectified some fundamental flaws present in the original approved layout. For example the cul-de-sac pattern on the western part of the site has been changed to form a perimeter block, which aids permeability and proper circulation across the site. However the main change has been to the northern edge of the site, initially an elongated narrow open space envisaged as a LAP (spread from one end of the site to the other) has now been transformed into a row of houses plots 52-56 backing onto the Northern boundary (using the 'private backs & public fronts' principle of urban design) and imparting a comparably safe and secure edge to the development. In terms of location of the LAP, the Urban Design Team believes this could have been better located had the site not been partly constructed. At this stage, we do believe the proposed central location allows for better surveillance and integration with the development.

The Urban Design Team has been constrained in its input due the nature and stage of development that has already taken place. The main concern on this revised layout is that of safety and security in particular on the spaces adjoining plots 13 and 14-17. This is where the pedestrian link to Bannold Road connects into the site. There is a concern over pedestrian safety and lack of overlooking on this route. Though it is understood that there is some overlooking by the windows provided on the gable end of the elevations to plots 13 and 14-17. The Urban Design team believes that the scheme has changed considerably at this stage and has been improved in terms of the street pattern, connections, permeability, and block layout and has achieved an integrated development with secure yet permeable boundaries."

27. **Drainage Manager** – Supports the view of the Waterbeach Internal Drainage Board that there is insufficient information to support a SUDS scheme. The original surface water drainage proposals, as approved under the outline consent, should be implemented.
28. **Trees & Landscaping Officer** – Raises no objections.
29. **Landscape Design Officer** – Support the revised landscaping proposals in principle commenting that the landscape proposals are an improvement upon the previous approved reserved matters application. However, revisions are required to ensure that areas of public open space adhere to the design standards set out within the SPD for public open space within new developments. Furthermore, alternative planting methods and species have been advised to many areas and a revised planting scheme has been requested to address these issues.
30. **Strategic Sustainability Officer** – No comments have been received.
31. **Building Control Officer** – Raises no objections.

32. **Conservation Officer** – “The primary concern about the amended scheme is the extent of reduction of the green edge in this semi-rural treed context. It is important to retain a significant green edge in order to screen the proposed development from views between roadside buildings, to preserve the integrity of the development along the main road in the hierarchy of the village and to limit the apparent extent of modern development. The impact of the amended layout is greater on the conservation area than on the listed building, as Berry House is set back from the road frontage within trees and is therefore less affected by glimpses into the development site. I therefore recommend refusal due to the impact of the setting of the conservation area, by means of the loss of the green character and the increased visual impact of the proposed development. Nevertheless there is something to commend the principle to set the development around a green rather than the rather more haphazard central arrangement of the approved scheme. It is therefore possible that negotiation can follow in order to retain the green edge and the green and make more efficient use of the built-up area of the site to allow this.”
33. **Local Highway Authority** – “The Highway Authority will not adopt roads 2 and 3, as these roads serve no highway function and request clarification and dimensioned drawings illustrating the carriageways and footways on the shared surfaced areas. The developer will also need to enter into a Section 142 licence for planting depending on who will manage open spaces and landscaped areas. The Highway Authority would also request that the applicant use Cambridgeshire County Council specification for adoptable standards as per specification current at the time of application.”
34. **Public Art Officer** – “A Public Art Action Plan has been established with the Parish Council as part of the previously approved reserved matters application. It is envisaged that this work will continue in conjunction with the current application.”
35. **S106 Officer** – “The current application represents significant changes to that of the approved reserved matters application and S106 legal agreement signed in accordance with the approved outline application. As a consequence a new S106 agreement will be required to address these changes clearly defining housing numbers, affordable housing elements, areas of public open space in plan form including their maintenance along with offsite contributions towards education and public art. The deed of amendment submitted with this application does not adequately address the above and a revised S106 agreement will need to be sought and agreed within the applications determination period.
36. **Scientific Officer (Contaminated Land)** – “The above site is a former builders merchant and recycling centre. Site Investigation has been undertaken and identified the need for remediation of the site. A Remediation Method Statement (RMS), by GRM Development Solutions Ltd dated June 2009, was submitted, however, this RMS related to the previous site layout and the proposals do not relate to and are not applicable to the currently proposed design. Therefore, I recommend that no development approved by this permission shall be commenced until:
- (a) Revised proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the Local Planning Authority.
 - (b) The works specified in the Remediation Method Statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority; in accordance with the approved scheme.

- (c) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.”
37. **Cambridge County Council’s Archaeology Unit** – The site has already been through a process of archaeological evaluation and we have no objection to the revised proposals.
38. **Ecology Officer** – “No objections to the proposals, however the species proposed/used will die unless completely submerged by water. Furthermore, the initial aftercare of the meadow is important and this should be addressed within a management statement. They should therefore be replaced with more robust species that will survive dry and wet conditions. The site also has the potential to provide bird next boxes.”
39. **Cambridgeshire Fire & Rescue Service** – Should the proposal benefit from planning permission then adequate provision should be made for fire hydrants, which may be way of Section 106 agreement or a planning condition.
40. **Architectural Liaison Officer (Cambridgeshire Constabulary)** – Comments that there have been 243 crimes reported over a 12-month period within the Waterbeach area, such as, burglary and vehicle crime which is generally low. He advises that:
- (a) Plots 14 to 32 will be affordable and probably the subject of a Secured by Design application:
1. Plots 6-13 overlook the village green.
 2. The entrance to the rear of plot 7 should be gated with key access for each property accessing, or top the fence with 600mm trellis to make climbing it more difficult.
 3. The parking court has no surveillance from the properties it serves.
- (b) Plots 14-32 have rear parking for residents and visitors and access to this is unlimited. With visitor parking in this area it cannot be gated and so allows open access to the rear of properties. Secured by Design requires all rear parking courts to be gated for this reason. Suggests instead:
1. On plot parking.
 2. Communal parking in small groups, close and adjacent to homes within view of routinely occupied rooms.
 3. If parking must be within internal courtyards these must be gated and abutting gardens appropriately fenced.
 4. Communal areas must be well-lit.
- (c) Plots 33-65 - the layout of this area is fine.
41. **SUSTRANS** - Would object to the proposals if the paths leading to the site’s western, and northern boundaries and public open spaces were not designated for shared cycle and pedestrian use. The village green would now seem to be a much better site for the equipped play area.
42. **Environmental Services** – No comments have been received.
43. **Anglian Water** – No comments have been received.

Representations

44. 4 letters have been received from local residents, which outline the following objections:
- (a) The proposal does not show the pathway leading alongside no.11 Bannold Road. Can it be secured that this remains the same as the previous approval, with bollards stopping vehicles using this entrance?
 - (b) The terrace at units 6-13 appear to have a higher ridge line to those units either side - how can this be justified when properties within Bannold Road have been denied such increases in ridge height?
 - (c) Care needs to be given towards street lighting to minimise glare and spill to neighbouring properties;
 - (d) The revised drainage proposals (Sustainable Urban Drainage System) appear to be contrary to the Flood Risk Assessment approved in the previous planning application;
 - (e) Due to the local risk of flooding the surface water drainage should be IDB maintained, running entirely within the public highway;
 - (f) Flooding in adjacent fields over the past 20 years would suggest that the area has a poor level of infiltration;
 - (g) Consent will be required by the IDB to discharge excess water from the balancing pond into the adjacent field and ditch;
 - (h) The culverted section under the garden of no.31 Bannold Road has been used by the developer to discharge excess water and was unsuccessful;
 - (i) The final agreement for surface water drainage will need to be available publicly before planning consent is given.

Planning Comments – Key Issues

45. The material considerations in the determination of this planning application are the impacts that the siting, design, appearance and landscaping proposals would have upon the following:
- (a) Character and appearance of the areas - including the Conservation Area and nearby Listed building;
 - (b) Highway safety;
 - (c) Public open space infrastructure;
 - (d) Affordable housing provision;
 - (e) Residential amenity;
 - (f) Drainage and flood risk;

Drainage & Flood Risk

46. The approved application proposed to provide a sustainable Urban Drainage System (SUDS) involving infiltration methods within the site to displace surface water via a balancing pond. Such a system was supported in principle, due to the environmental benefits such as natural drainage and biodiversity enhancement as a by-product. However, the eastern section of the wider development site is already under construction for the total of 30 dwellings, some of which have already been completed. Furthermore, the information on permeability testing has only been undertaken for part of the year, in what has been an extremely dry period.
47. The justification that a SUDS scheme would work is insufficient in terms of the site's permeability throughout the year and especially during wet months of the year. The information submitted also appeared to contradict that of the Flood Risk Assessment approved under previous consents, providing overflow methods that could not be supported due to issues of land ownership. As a consequence the applicant has withdrawn the SUDS scheme from this reserved matters application and will seek the implementation of the previous surface water drainage scheme, as conditioned by the outline consent. All surface water drainage would flow out into the public highway within Bannold Road in that approved scheme. Officers are currently working with the developer and the IDB to implement the previous proposals to ensure that an adequate system is in place to cope with the level of built development currently on site, although the developer has indicated that it hopes to continue to pursue an alternative SUDs proposal.

Housing Density

48. The design brief for the wider development site required a minimum density of 30dph for the entire site. This provided the disclaimer that no less than 84 units would be proposed. The outline consent restricted the maximum residential density to no more than 100 dwellings. The current proposal for 62 units would result in a total of 92 units for the entire site, which would accord with the design brief and outline consent. In addition, taking into consideration undevelopable land such as public open space, the development would provide an overall residential density of approximately 30dph, which although at the minimum threshold of Policy HG/1 '*Housing Density*' is considered acceptable for the status of Waterbeach as a Minor Rural Centre, as defined by Policy ST/5 of the Core Strategy.

Housing Mix

49. At the request of officers the amended plans now provide a wider mix of market housing than originally proposed. The applicant argues that the need for this revised reserved matters application is a result of the current financial crisis and in particular the trends within the current housing market. Housing Mix Policy HG/2 requires that 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. This has been taken into consideration in arriving at the current proposed mix as well as the housing mix that was approved under the previous reserved matters application S/1737/07/RM. The amended housing mix is now considered to provide an acceptable mix of housing styles and types to meet local need, resulting in an improved scheme. It has been agreed that 1-bedroom housing should not be sought as part of this proposal as future occupiers may find these too restrictive e.g. if starting a family.

Affordable Housing

50. The development has been amended to address the requirements of local need and the viability of the scheme for the allocated housing association, Jephson. Whilst the overall amount of affordable units has been reduced by 3 from the previous scheme due to the overall reduction in housing, the percentage of affordable housing to market remains 30% (27 units), as indicated by the site's design brief and the approved outline planning consent S/1551/04/O. In addition the housing provided is considered to be an improvement in terms of its location and mix to that agreed under the previous reserved matters application S/1737/07/RM, mainly due to provision of 2 & 3 bedroom units replacing 1-bedroom accommodation. The tenure split of 30% shared ownership and 70% social rented is considered viable by the housing association and the authority has agreed to support the grant funding for Jephson in order to deliver this housing before March 2010. Whilst the affordable housing is not pepper-potted around the wider development, as previously approved, the cluster of development within the southwest corner of the site is considered more viable within the current financial climate for Jephson and better located in terms of access to public open space. In addition, the proposed house types are considered to be of a high quality, akin to the wider site, and would therefore be considered tenure blind, allowing the affordable element of the site to blend in with the surrounding market housing.

House Types

51. The development follows the design principles of the house types from the previously approved reserved matters application. These were considered to adhere to the design brief and follow elements of good architecture and vernacular of the village. The proposed corner properties allow enhanced legibility throughout the development, providing pleasant street patterns. The house types provide a variety and mix of coherent designs, sympathetic to the local vernacular. They are considered to achieve a sense of place due to the sympathy towards the semi-rural context of Waterbeach, such as local materials, variety in block forms and symmetrical patterns within elevations.

Housing Layout

52. The revised layout is considered an improvement upon the previous reserved matters approval, as it provides perimeter blocks that aid permeability and circulation across the site. The previous approved scheme provided a pattern of cul-de-sacs, limiting movement through the area. The most significant revision is the layout of housing rows on the site's northern boundary comprising private backs and public frontages, which is considered to provide a safe and secure edge to the site. In turn the now centrally located LAP within the village green is afforded better surveillance and improved integration within the development than the previous elongated open spaces around the site's periphery.
53. The amended drawings have addressed concerns over natural surveillance over the car parking courts serving the affordable housing as well as providing increased foot and cycle friendly routes adjacent to the village green and within close proximity to the northern boundary. The site's revised layout is not considered to result in a detrimental impact upon the village's historic built environment due to the distance of approximately 60m between the application site and the Conservation Area and the limited views that would be afforded outside of the development. The proposal is considered to provide a legible network of village-like streets and public spaces with good inter-relationships between its buildings and routes.

Landscaping

54. The revised landscaping proposals are considered acceptable, as they have incorporated the advice of the Landscape Design Officer. These proposals are considered to be an improvement on the previous approved reserved matters application, as they provide more opportunities for planting throughout the development rather than planting being pushed to the site's peripheries. This is emphasised by the provision of a central green within the development and landscaped foot and cycle paths leading to the wider public open space. All details of species and planting methods will be agreed prior to approval under delegated powers.

Public Open Space

55. The proposed LEAP within the northeast corner of the site would not wholly accord with the standard guidelines set out with the supplementary planning guidance. This element of formal play space would not provide a buffer of 20m from nearby residential properties, as stated within the guidance, to minimise noise disturbance. However, this area would be overlooked providing a good level of natural surveillance and it would be within close proximity to the built-up area of development in terms of access to this public space. The proposed LEAP under the previous approval was not overlooked and was located further away in terms of access. In this instance it is considered that natural surveillance is a priority and that a buffer of approximately 10m is an acceptable compromise. The correct level and type of equipment within the LEAP will be agreed prior to approval.
56. The proposal would contain two LAPS, one in the approved and already built section of the site, which would now benefit from the planting of a significant Oak Tree specimen and hedgerow enclosure as it is no longer required to provide vehicle visibility splays as well. The other more substantial area of formal play space will be located within the central village green area, defined by a spherical planting pattern and seating. This area is considered to be well located for access for a wide range of surrounding properties.
57. Overall the development would provide a sufficient amount of on-site public open space, including formal and informal children's play space and generic informal open space. Based on the housing mix for the wider development site a commuted sum of £210,005.08 (index-linked) would be required for off-site provision and maintenance. If the Parish Council agrees that responsibility for the open space can lie with the developer then the sum for commuted maintenance would no longer be required. In either event the sum will be secured via the signing of a revised S106 legal agreement.

Section 106

58. The outline planning permission was approved with a comprehensive Section 106 agreement, completed on 20th April 2007, which included planning obligations in relation to affordable housing, education, highways, kickabout area, public open space, Laps (x2), local equipped area for play, shed for the storage of maintenance equipment, off-site contributions for open space, commuted maintenance payments and public art. The obligations for education, public art and highways have now been fully satisfied via off-site payments. No other obligations have been met as relevant trigger points are yet to be reached.

59. Prior to the occupation of 30 dwellings the applicant is to provide the kickabout area and LEAP. As the revised application seeks to vary these obligations, the existing development should be restricted to not exceed this amount of occupations. The current Section 106 agreement also restricts the development site by clearly identifying the areas that are designated as public open space i.e. areas are specified on a plan that forms part of it.
60. The revised proposal substantially affects the Section 106 agreement in the following areas:
- (a) **Affordable housing** – Whilst the original agreement secured the provision of 30 units, officers have worked with the appointed RSL to negotiate an improved and more suitable housing mix, whilst accepting a reduced number of units. The proposed number of social houses is now 27, resulting in a loss of 3 units overall.
 - (b) **Open space** – The applicant is proposing a reduction in the total area for public open space, in line with the adopted Open Space in New Developments SPD. The houses would now be on land that the existing Section 106 agreement allocates as public open space.
 - (c) **Open space management** – The applicant has also proposed that the open space will be transferred to a management company rather than the Parish Council for long-term maintenance. The land was to be transferred with a commuted sum for maintenance.
 - (d) **Off-site open space contributions** – The applicant has offered to increase the off-site contribution for public open space in line with the adopted open space in new developments SPD.
 - (e) **Education** – The original agreement secured obligations to the index-linked value of £2,450.00 per dwelling. The revised application should result in a back payment to the developer in lieu of the contributions paid for 100 units. It should be noted, however, that the applicant has not presently requested that this money is repaid.
61. Throughout the application process, Waterbeach Parish Council, District Councillors and County Councillors have been invited to, and attended meetings held at South Cambridgeshire District Council in relation to the proposals. Officers are currently in negotiation with the applicant to revise the original Section 106 agreement, via a deed of variation, to address all outstanding issues. Such issues rely on the involvement of external bodies. The Parish Council, for example are required to formally comment in relation to the proposed deviation in public open space management. Issues with the deed of variation, received by the District Council on 15th October, has resulted in a failure to address all relevant terms in time for the planning committee report, although officers continue working with the aim to do so within the application deadline. In the event of a final Section 106 agreement, or deed of variation, not being resolved within the 13 week deadline, planning conditions requiring schemes could reasonably be imposed.

Recommendation

62. **Delegated Approval**, as amended, subject to the following conditions and revisions to the Section 106 being secured by way of a signed agreement or additional planning conditions:

Conditions

1. Prior to any development commencing on site, the following details shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details:
 - (a) Samples of the proposed materials for facing walls and roofs;
 - (b) Lighting of the:
 - footways
 - cycle ways
 - roads
 - parking courts
 - open spaces
2. The proposed access, turning and parking spaces for each dwelling, hereby permitted, shall be provided before each dwelling is occupied and thereafter permanently maintained. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives

1. The granting of planning permission does not constitute a permission or licence to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works. The developer should contact the Highway Authority to arrange such works.
2. Due to the omission of the proposed SUDS from this planning application if an alternative scheme is proposed, this will need to be approved and provided prior to further works commencing on site pursuant to Condition 6b) of planning application S/1551/04/O. Such a scheme should be agreed in partnership with the Local Authority and the Waterbeach Internal Drainage Board.

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

- East of England Plan (2008).
- South Cambridgeshire Local Plan, 2004.
- South Cambridgeshire Local Development Framework Core Strategy DPD (2007).
- South Cambridgeshire Local Development Framework Development Control Policies DPD (2007)
- Circular 11/1995
- Circular 05/2005
- Department for Transport, Manual for Streets (2007).
- Bannold Road, Waterbeach Development Brief Draft, November 2003.
- Planning files ref: S/1551/04/O, S/1737/07/RM, S/1260/09/RM.

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