

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: New Communities Portfolio Holder 8 March 2011
AUTHOR/S: Executive Director (Operational Services) / Corporate Manager
(Planning and New Communities)

LOCAL DEVELOPMENT FRAMEWORK - ADOPTION OF FEN DRAYTON FORMER LAND SETTLEMENT ASSOCIATION ESTATE SUPPLEMENTARY PLANNING DOCUMENT

Purpose

1. The purpose of this report is to consider the results of the public consultation carried out on the draft Fen Drayton Former Land Settlement Association (LSA) Estate Supplementary Planning Document (SPD), and to seek approval for this SPD to be formally adopted by the Council. Once adopted, the SPD will form part of the Local Development Framework and be used to help determine planning applications.
2. This is not a key decision because the SPD does not create new policy, but provides further guidance on implementing existing policy in the Council's Local Development Framework. The agreement to carry out the public consultation was taken at the New Communities Portfolio Holder Meeting on 7 October 2010.

Recommendations and Reasons

3. That the New Communities Portfolio Holder:
 - (a) **CONSIDERS** the representations received on the draft Fen Drayton Former LSA Estate SPD and **AGREES** the Council's responses (as included in Appendix 2); and
 - (b) **AGREES** the adoption of the Fen Drayton Former LSA Estate SPD (as included in Appendix 3)

Background

4. The purpose of Supplementary Planning Documents is to expand on policies set out in Development Plan Document (DPDs) and to provide additional detail. The Council has adopted a number of DPDs that form part of the Local Development Framework. The Fen Drayton Former LSA Estate SPD that has been consulted on relates to Policy SP/11, which was adopted as part of the Site Specific Policies DPD in January 2010.
5. Policy SP/11 is an unusual and innovative policy that allows the redevelopment or reuse of buildings (excluding glasshouses) within the former LSA estate for experimental or groundbreaking forms of sustainable living, where it can be demonstrated that the buildings are no longer needed for agricultural purposes and provided that the development would not occupy a larger footprint than the existing eligible buildings. The purpose of the SPD is to provide practical advice and

guidance to applicants on how to develop a proposal that will comply with the requirements of the policy.

6. A six-week period of public consultation took place between 29 October and 10 December 2010. A public exhibition and drop-in event was held in Fen Drayton School Hall on Saturday 6 November between 9.30 am and 1 pm. All residents and businesses within the policy area were sent a paper copy of the draft SPD and a paper Response Form.

The Results of the Public Consultation

7. During the consultation period 142 representations were received on the draft Fen Drayton Former LSA Estate SPD and the accompanying Habitats Regulations Assessment Statement: 7 support, 32 objections and 103 comments.
8. The main issues raised in the representations sought:
 - clarity regarding the definition of an eligible building and its footprint, including guidance on the necessary evidence that must be submitted with a planning application;
 - advice on the utilisation of any remaining land and greater promotion of food production;
 - further guidance on the siting of new buildings, including whether all buildings must be south facing, and provide specific guidance on the siting of new buildings within the smaller plots on Oaktree Road and Springhill Road;
 - clarity regarding the sustainability requirements for the various development options and inclusion of a further option allowing the amalgamation of the footprint of the existing dwelling and any eligible buildings;
 - re-classification of buildings from non-surveyed or non-eligible to eligible, following surveys or consideration of evidence submitted;
 - changes to the policy wording and boundary of the policy area;
 - amendments to the appraisal of existing transport provision to promote current opportunities;
 - further guidance on how to achieve the policy requirement to restrict car use and increase the use of sustainable forms of transport, and confirmation that the development will not have an impact on the A14; and
 - clarity regarding the delivery of associated infrastructure (e.g. affordable housing, community facilities) and the involvement of the wider community.
9. These issues have been considered and amendments have been made to the SPD. The main changes are the:

- simplification of the guidance on the definition of an eligible building;
 - inclusion of additional information on the provision of allotments and guidance on the utilisation of land;
 - provision of additional detailed guidance on the siting of new buildings;
 - re-classification of some buildings;
 - inclusion of additional guidance on the policy requirement to restrict car use and increase the use of sustainable forms of transport; and
 - inclusion of more detailed information on the delivery of any associated infrastructure.
10. A detailed schedule of all representations received is provided in Appendix 1. The schedule provides a summary of each representation received in plan order together with the Council's assessment of them and, where appropriate, proposes amendments to the text of the draft SPD. For ease of reference, Appendix 2 details the changes made to the draft SPD following the public consultation.

Adoption Process

11. The SPD has been prepared in compliance with the legislative and regulatory requirements for the preparation of SPDs and is now ready for adoption. Once adopted, the SPD will form part of the Local Development Framework.
12. Following the enactment of the Planning Act 2008 and a change to the Regulations in 2009 there is no longer a requirement to carry out a Sustainability Appraisal (SA) of the social, environmental and economic effects of the proposals contained within the SPD. However, under the European Union SEA Directive, the Council still needs to consider whether there will be any significant environmental effects of the SPD. Given that Policy SP/11 has been fully appraised, and that SPDs cannot create new policy, it is considered unnecessary to undertake an SA / SEA of the Fen Drayton Former LSA Estate SPD. A statement to this effect was published alongside the draft SPD. There were no representations received on the Sustainability Appraisal Statement.
13. The Habitats Directive (Council Directive 92/43/EEC) sets out the requirement to undertake a Habitat Regulations Assessment (HRA) to assess the likely impacts of any proposed development on Natura 2000 or RAMSAR sites. Given that Policy SP/11 has been fully appraised, and that SPDs cannot create new policy, it is considered unnecessary to undertake an assessment of the Fen Drayton Former LSA Estate SPD. A statement to this effect was been prepared and published alongside the draft SPD.
14. One representation was received on the HRA Statement suggesting that the impacts on sites of local environmental importance should be considered. The Habitats Directive only requires the assessment of the likely impacts of any proposed

development on Natura 2000 or RAMSAR sites; therefore the HRA of Policy SP/11 was carried out in accordance with the Habitats Directive.

15. No changes are required to the Sustainability Appraisal Statement and Habitat Regulations Assessment Statement that were published for consultation and therefore they can be published alongside the adopted SPD.
16. As with the DPD plan making process, any person aggrieved by the SPD can apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD. Any such application must be made promptly and in any event not later than 3 months after the date on which the SPD was adopted.

Implications

17. By adopting the SPD there will be increased advice and guidance on the implementation of Policy SP/11. The SPD will also assist officers in giving advice and guidance to developers and applicants.

18. Financial	Within existing budgets
Legal	None
Staffing	The SPD will assist officers by providing developers and applicants with greater detail on how to develop a proposal that will comply with Policy SP/11, however, there may be an increase in pre-application discussions as a result.
Risk Management	No significant risks.
Equal and Diversity	The SPD has been subject to an Equality Impact Assessment.
Equality Impact Assessment completed	Yes http://www.scambs.gov.uk/CouncilAndDemocracy/Equality/equalityimpactassessments.htm
	The SPD has been shown to have a neutral and/or positive impact on Equal Opportunities.
Climate Change	The SPD supports sustainable development and the development of zero carbon buildings.

Consultations

19. The draft SPD has been prepared in consultation with the relevant specialist officers within the Council prior to being agreed for consultation. In the process of preparing the draft SPD the Council held a workshop on 4 September 2010 involving Parish Councillors, Councillors and representatives from the former LSA estate. As part of the public consultation, letters including a CD containing the draft SPD and supporting documents were sent to a range of relevant organisations. A public exhibition and drop-in event was held in Fen Drayton School Hall on Saturday 6 November between 9.30 am and 1 pm.

Effect on Strategic Aims

20. **Commitment to being a listening council, providing first class services accessible to all.** During the preparation of the SPD the Council has undertaken

informal consultation with local stakeholders: the residents of the former LSA estate and the Parish Council. Further, wider, formal public consultation was also undertaken to enable the Council to receive comments from local residents and businesses, nearby villages, developers / house builders, renewable energy providers, other interested parties and the general public.

21. **Commitment to ensuring that South Cambridgeshire continues to be a safe and healthy place for all.** At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. The aim of the SPD is to provide practical advice and guidance to applicants on how development proposals can ensure they are sustainable and achieve a high quality of design in a way that respects the local context.
22. **Commitment to making South Cambridgeshire a place in which residents can feel proud to live.** At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. The aim of the SPD is to provide practical advice and guidance to applicants on how development proposals can ensure they are sustainable and achieve a high quality of design in a way that respects the local context.
23. **Commitment to assisting provision for local jobs for all.** New employment opportunities may be created within the policy area, as development proposals could include employment uses to promote the principles of sustainable living by allowing residents to live and work in the locality. The sustainability of any development proposal could also be increased through the use of local businesses, such as architects, builders and suppliers, in designing and constructing any development proposal.
24. **Commitment to providing a voice for rural life.** During the preparation of the SPD the Council has undertaken informal consultation with local stakeholders: the residents of the former LSA estate and the Parish Council. Further, wider, formal public consultation was also undertaken to enable the Council to receive comments from local residents and businesses, nearby villages, developers / house builders, renewable energy providers, other interested parties and the general public.

Conclusions / Summary

25. This report outlines the representations received on the Fen Drayton Former LSA Estate SPD that was subject to a period of public participation from October to December 2010. As a result of these representations amendments have been made to the draft SPD. The next step is to adopt the SPD when they will form part of the Local Development Framework.

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

Fen Drayton Former LSA Estate SPD (Consultation Draft October 2010)

<http://www.scams.gov.uk/Environment/Planning/DistrictPlanning/LocalDevelopmentFramework/SPDs/FenDraytonSPD.htm>

Sustainability Appraisal Statement (October 2010)

Habitats Regulations Assessment Statement (October 2010)

Appendices:

- Appendix 1 Schedule of Comments Received and Council's Response
- Appendix 2 Changes to the Fen Drayton Former LSA Estate SPD
- Appendix 3 Fen Drayton Former LSA Estate SPD

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