

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

13 May 2015

**AUTHOR/S:** Planning and New Communities Director

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<b>Application Number:</b>	S/2822/14/OL
<b>Parish:</b>	Foxton
<b>Proposal:</b>	Outline application for development of up to 95 houses (Class C3) with access, open space and associated infrastructure and with all other reserved
<b>Site address:</b>	Land off Shepreth Road, Foxton
<b>Applicant:</b>	Gladman Developments Ltd
<b>Recommendation:</b>	Refusal
<b>Key material considerations:</b>	The main issues are whether the proposed development would provide a suitable site for housing, having regard to the principles of sustainable development and housing land supply, scale of development and impact on character and landscape. impact on heritage assets, services and facilities, access and transport, drainage, and ecology.
<b>Committee Site Visit:</b>	Yes
<b>Departure Application:</b>	Yes
<b>Presenting Officer:</b>	Paul Sexton
<b>Application brought to Committee because:</b>	The application proposal raises considerations of wider than local interest.
<b>Date by which decision due:</b>	2 March 2015

### Executive Summary

1. This proposal seeks outline permission (access only for approval) for a residential development of up to 95 dwellings outside the adopted village framework and in the countryside on a greenfield site. The development would not normally be considered acceptable in principle as a result of its location. However two recent appeal decisions on sites in Waterbeach have shown that the district does not currently have a 5 year housing land supply, and therefore the adopted LDF policies in relation to the supply of housing are not up to date. The NPPF states there is a presumption in

favour of sustainable development, and where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

2. In this case, given the scale and location of the development, officers are of the view that the adverse impacts of the development on the character of Foxton village, and impact on the setting of Foxton House, a Grade II listed building, significantly and demonstrably outweigh the benefits that include a contribution of up to 95 dwellings towards the required housing land supply, including 40% affordable dwellings.

### **Planning History**

3. There is no relevant planning history on the application site.

### **Policy**

4. **National**  
National Planning Policy Framework  
Planning Policy Guidance
5. **South Cambridgeshire Local Development Framework Core Strategy**  
ST/2 Housing Provision  
ST/6 Group Villages
6. **South Cambridgeshire Local Development Framework Development Control Policies**  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
DP/7 Development Frameworks  
HG/1 Housing Density  
HG/2 Housing Mix  
HG/3 Affordable Housing  
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/3 Renewable Energy Technologies in New Development  
NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/9 – Water and Drainage Infrastructure  
NE/10 – Foul Drainage – Alternative Drainage Systems  
NE/11 – Flood Risk  
NE/12 – Water Conservation  
NE/14 – Light Pollution  
NE/15 – Noise Pollution  
NE/17 – Protecting High Quality Agricultural Land  
CH/2 – Archaeological Sites  
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 Transport

7. **South Cambridgeshire LDF Supplementary Planning Documents (SPD)**

Open Space in New Developments SPD - Adopted January 2009  
Affordable Housing SPD - Adopted March 2010  
Listed Buildings SPD – Adopted July 2009  
Trees & Development Sites SPD - Adopted January 2009  
Landscape in New Developments SPD - Adopted March 2010  
Biodiversity SPD - Adopted July 2009  
District Design Guide SPD - Adopted March 2010  
Health Impact Assessment – Adopted March 2011

8. **Draft Local Plan**

S/1 – Vision  
S/2 – Objectives of the Local Plan  
S/3 – Presumption in Favour of Sustainable Development  
S/5 – Provision of New jobs and Homes  
S/7 – Development Frameworks  
S/10 – Group Villages  
S/12 – Phasing, Delivering and Monitoring  
CC/1 – Mitigation and Adaptation to Climate Change  
CC/3 – Renewable and Low Carbon Energy in New Developments  
CC/4 – Sustainable Design and Construction  
CC/6 – Construction Methods  
CC/7 – Water Quality  
CC/8 – Sustainable Drainage Systems  
CC/9 – Managing Flood Risk  
HQ/1 – Design Principles  
HQ/2 – Public Art and New Development  
NH/2 – Protecting and Enhancing Landscape Character  
NH/3 – Protecting Agricultural Land  
NH/4 – Biodiversity  
NH/6 – Green Infrastructure  
NH/14 – Heritage assets  
H/7 – Housing Density  
H/8 – Housing Mix  
H/9 – Affordable Housing  
SC/8 – Open space standards  
SC/11 – Noise pollution  
T/1 – Parking provision

**Consultation by South Cambridgeshire District Council as Local Planning Authority**

9. **Foxton Parish Council** – objects strenuously and recommends that it be refused.
10. “By way of context:
11. As explained below, in view of the size of the application, in addition to the usual ‘soundings’, the Parish Council undertook a formal consultation exercise with its residents; the views of the Parish Council reflect the views of the overwhelming majority of the residents of Foxton.
12. The Parish Council note that the proposal is founded on the alleged absence of a five-year supply of housing land in South Cambridgeshire, with the corollary that if a

five-year supply could be demonstrated then the proposal has no merit whatsoever. In any event, the Parish Council are of view that even if there was a shortfall in the five-year supply, the adverse impacts of the proposal so significantly and demonstrably outweigh the alleged benefits that the application should be refused.

13. In this context, Foxtton Parish Council object to the application proposal on the following grounds:
14. The adverse visual impact of the scheme, including the impact on the landscape, the wider setting of the village and a nearby designated heritage asset;
15. The adverse impact on the character of the village; and
16. The adverse impact on the existing community at Foxtton, including (but not limited to) the impact on community infrastructure and services.
17. To explain these points further:
18. Foxtton has historically been designated as a 'Group Village' for many decades, allowing small developments of up to 8 dwellings (or exceptionally 15). The character and appearance of the village, and its level of service provision has been driven by this designation. The application completely disregards this designation and the new Local Plan currently under examination, does not identify this site as a development option for good reasons, and it is noteworthy that it was not put forward by the landowner in the recent call for sites.
19. The application site is rated a grade 2 BMZ (Best and Most Versatile) agricultural land, and has historical and archaeological significance. The pasture survives from early medieval times, and would be lost if the development were to proceed.
20. A major part of the application site provides the setting of the Grade II Listed Building of Foxtton House, and has done so since it was built in 1825. The scale of development proposed would inevitably harm the setting of Foxtton House (despite the application's claims that it would *enhance* it), which is important due to the quality of its architecture and surrounding landscape, and historic connections relevant to the development and history of the village. Permitting the proposed development would be in breach of Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 112 and 133 of the National Policy Framework, and SCDC local development control policies CH/1. CH/4 and DP/7 (adopted July 2007).
21. The impact and scale of the development proposed will significantly harm the village landscape character of the approach to the village from Shepreth. The Shepreth Road is ancient thoroughfare with wide grass verges and an absence of road kerbs, which is appropriate for this small ancient village. Equally, the proposal will adversely affect the visual separation and scale of buffer zone of the village from the A10 highway, which is also appropriately sized, visually satisfactory and something to aspire to in terms of the quality of the visual environment and landscape.
22. Additionally the outlook from several properties and roads in the village will be adversely affected.
23. The impact of a development of 95 new dwellings (representing an increase of approximately 20% in the size of the village) would overwhelm the character of this small, historic village settlement. Foxtton's status as a group village means that it has

grown organically (as it has done over hundreds of years) and small developments can be carefully planned to maintain the character of the village.

24. The impact of such a large development would be seen in the following ways:
25. The increase in traffic will cause problems at the exits from the village onto the A10. The application underestimates the problem, as despite attempts to promote public transport, we still live in a 'driving' culture, which will take some time to change. The closure of Foxton Level Crossing is currently under consideration – this has not been considered in the application, but this would result in the A10 traffic becoming more free flowing and exacerbate traffic problems at the junctions out of the village.
26. The school has space for 18 extra children, and these spaces will mostly be taken up by development already taking place in the village, which may result in up to 20 children of primary school age. The development on Shepreth Road is likely to produce up to 60 additional children, for which the school would need to build two new classrooms. The proposed S106 monies for this development would not even cover a single classroom at the school, and the County Council would need to find additional funding of £19,000 per child.
27. Local doctors' surgeries and NHS dentists are effectively full, and could not cope with the increase.
28. Foxton currently has a need for some affordable housing (understood to be approximately 20-25). However, planning permission has already been granted for 39 dwellings (of which 23 are affordable, 15 of these being social housing for rent). This meets identified local need, and demonstrates that the village is not against development per se, and is happy to accept appropriate small-scale (and planned) growth.
29. The application does not offer any solutions to infrastructure issues. There are several large planning applications locally (at Melbourn, Harston/Hauxton, and Barrington): taken together these would have a huge impact on the local infrastructure. Since all of these applications are outside the Local Plan, the County Council has no planned expenditure (available or already allocated) to provide for improvements to infrastructure that speculative applications for developments such as these would need.
30. The promises to provide pedestrian access to the A10 (and therefore an east cycle route to the station and Royston/Cambridge) are completely impractical due to this being a busy main road and a danger to cross.
31. If the proposed development were permitted, such determination would be contrary to Sections 11, 12, 133, 156 and 178 of the National Planning Policy Framework, SCDC core development control policy ST/6 (adopted Jan 2007), and development control policies CH/1, CH/4 and DP/7 (adopted July 2007).
32. The Parish Council has noted that that the application also contains typographical and other errors, which in some cases misrepresent the actual situation and put the application in a more positive light than it merits; these are self-evident. It is fundamentally wrong in land use planning terms to promote or permit a development of this magnitude in such a small historic village, with limited local services and infrastructure, which would overwhelm the local community.

33. The Parish Council's view is supported by numerous comments received and the overwhelming response of the local community requesting that this application be refused. The Parish Council has conducted two written consultation exercises in the village to gauge support the response to this development. Both elicited a response from over 50% of the village, and in each case over 95% of respondents were against the development.
34. **Cambridgeshire County Council Highways Development Control** – originally recommended refusal, commenting that the applicant had failed to provide sufficient information in respect to detail design for the proposed access and pedestrian connectivity to the existing public highway network.
35. It states that the recommendation could be overcome with the installation of a 3.5m wide footway/cycleway on the development side of Royston Road to provide access to Foxton Station. This point of access onto the A10 could also be used as an emergency secondary access if designed correctly. The proposed use of the existing pedestrian/cycle route accessed by an uncontrolled pedestrian crossing point to the other side of the A10 was unacceptable to the Highway Authority.
36. In respect of the revised details it maintains the recommendation of refusal, but on the grounds that the applicant has failed to provide a drawing which shows the required visibility spays at the junction of the new access road with Shepreth Road. It retains severe reservations with regards to connectivity within the site and strongly recommends that the applicant engages with the Urban Design Team and the Highway Authority to progress a more suitable internal arrangement.
37. **Cambridgeshire County Council Transport Assessment Team** – in respect of the application as originally submitted requested that further assessments were required in respect of junction modelling; detailed design for the proposed access and pedestrian connectivity to the existing public highway network; revision to person trip rates to include those working from home; provision of distances to local services; details of the proposed cycle box provision at Foxton Rail Station and how these will be reached by suitable cycle routes; further details of the two new bus stops proposed on Shepreth Road; additional information on distribution of traffic from the site; and additional details in respect of the proposed Travel Plan.
38. Following extensive discussions with the applicant, and the receipt of additional information in respect of the above, it raises no objection subject to the following being secured through Section 106 or planning condition.
39. Pedestrian/cycle path from the northern access to Foxton Station on the development side of the A10 should be provided by the developer prior to occupation of the site and should meet design standards.
40. The developer should carry out the installation of bus stops at the frontage of the development prior to occupation of any dwelling. The bus stops should include raised kerb, bus shelter and real time information, although the design and maintenance should be agreed with the County Council and the Parish Council.
41. Cycle parking should be provided by the applicant at, or close to, Foxton Station prior to occupation. The design, provision and location should be agreed with the County Council.

42. The Travel Plan should be provided to the County Council for agreement prior to occupation of the development, and contributions will be sought from the applicant to secure the above.
43. **SCDC Historic Buildings** has commented as follows:
44. *Setting of Foxton House*
45. Foxton House originally stood in 18 hectares of land, which included the proposal site. In the applicant's 'Heritage Statement', Figure 27 indicates the two garden frontages of Foxton House, which show that it also has had little intervention during its lifetime. This almost total retention of its historic fabric adds substantially to its significance. In common with many country houses, it stood in immediate formal gardens comprising lawns that incorporate specimen trees, with informal tree parkland used for grazing beyond, and this landscape setting also contributes to the significance of Foxton House. Despite having a negative contribution to the significance of Foxton House and affecting one's ability to appreciate that significance (as indicated by Figure 24), the group of Leylandii has great reliance placed on it in the application statements that when supplemented by further tree planting within the proposal site, it will provide screening between Foxton House and the proposed development. This is despite the fact that no such screening was a feature of the original formal garden design. In addition, the group of Leylandii is not within the control of either the applicant or the Local Planning Authority (LPA) as it is not covered by TPO or within the Conservation Area boundaries. Therefore it could be removed to enhance the setting of the Listed Building by returning its garden closer to its original design with views over the parklands. This will in turn affect the screening effect intended by the proposals.
46. Over the centuries, parcels of land formally belonging to Foxton House have been sold off for a number of purposes including residential plots. However, despite being in differing ownership, the outer parkland setting of Foxton House has been retained, apart from the introduction of the inappropriate Leylandii on the new boundary. Officers disagree with the applicant's assessment of the proposed development's impact on its setting, as the situation on the ground does not support the application's main premise that Foxton House is, and should continue to be, contained within an 'inclusive' setting as a country residence comprising only the formal garden and remnant of a paddock.
47. LPA's are obliged to take account of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 over setting issues. The degree of harm on the setting of the Foxton House from the proposed development is considered as less than substantial. The applicant has disregarded any assessment of the historic curtilage and extent of setting at this stage in order to indicate the land available for the building of dwellings. Consequently, in relation to Paragraph 134 of the 'NPPF' (2012), the public benefits that the proposed development would bring, e.g. affordable housing, meeting 5-year land supply, do not justify destroying forever the setting of a finite heritage resource.
48. The proposed 95 units (density of 28.5 dph) with the provision for public open space would bring the development too close to the Listed Building, Foxton House. This is substantiated by Figure 7.2 illustrative masterplan (Page 53 of the Design and Access Statement). In our judgement, such a quantum would be difficult to be accommodated on the application site without harming the setting of Foxton House. If the applicant considers that this is achievable, then they need to be demonstrated at this outline stage. The illustrative masterplan fails to justify this case.

49. *Heritage Statement Content*

50. The Heritage Statement gives a generic review of the relevant portions of National, Local and English Heritage planning policy documents to be considered, and a section specifically relating these to Foxton House. Both of these only include a selection of quotes which support the proposal rather than a balanced assessment. In addition, Foxton House's historic curtilage is not specifically addressed and only the paddock is referred to with regard to its current curtilage. Furthermore, the submitted document contains a number of omissions/factual errors, e.g. Fig 3 on Page 6 of the CgMs report does not include Foxton House as a heritage asset. Therefore the submitted application is considered contrary to Paragraph 192 of the 'NPPF' (2012) which states that LPA's taking decisions need sufficient information to understand the issues involved.

51. **SCDC Urban Design**

52. *Character of the Proposed Development*

53. Whilst this is an outline application, the applicant states that the purpose of the illustrative masterplan is to provide a template for the detailed design stage of Reserved Matters Applications (page 50 of the 'Design & Access Statement'). It is therefore important that the masterplan is designed to a good standard in order to inform the detailed layout at a later stage.

54. The development form of Foxton village neighbouring the site is dominated by detached buildings in large plots. The proposed illustrative layout shows a dense urban grain and the proposals include scattered separate open spaces (e.g. central green, pond and orchard). It appears "generic" and fails to demonstrate a relevance to Foxton. Furthermore, the scale and grain of the proposed development does not reflect the character of the existing built environment. The density of the surrounding areas are relatively low in comparison to the proposed development, e.g. the density of the development on Shepreth Road on the southwest corner of the site and on the northeast corner of the site on Station Road are 12 dph and 22 dph respectively, whereas the proposed development has a density of 28.5 dph (as demonstrated on pages 30 – 31 of the Design and Access Statement). Therefore the proposed density does not provide a comfortable transition across the site to relate to its immediate context, as it is significantly higher than the adjacent conservation area. This scheme also represents a very significant increase in the overall size of the village. Therefore the proposed development form is at odds with its immediate character. The proposed development gives the impression of a "stand alone" development which is not well integrated with or complimentary to Foxton village. The proposed quantum of development is considered too high to successfully accommodate building typologies, amenity, edge relationships that is harmonious with the existing character of the village.

55. The proposed access point is unfortunate as it is located beyond the southwest extremity of the existing settlement. Whilst the new pedestrian link to the station is acknowledged, any new footpath connections to the village centre would be strongly encouraged to reduce the distance to the village amenities, school etc. The proposed illustrative layout seeks to sever the site's former connection with Foxton House completely by obliterating any views, rather than indicating any inter-relationship between them. As such the proposed layout is considered unacceptable.

56. The proposed layout indicates that its southeast boundary comprises a row of tightly packed dwellings with secondary access and private drives, located close to the site boundary with Foxtton House. There is therefore little opportunity for a landscape buffer as the resultant density on the area where built form would be permissible would be too great to achieve the likely dwelling mix required by the Council to allow landscape to predominate. As such the applicant has failed to illustrate that the site can comfortably accommodate up to 95 dwellings without affecting the setting of Foxtton House. Furthermore, the proposed layout fails to illustrate how the design principles set out in page 42 – 44 of the ‘Design & Access Statement’ can be applied to create a high quality layout, e.g. the proposed dwellings on the north-western edge of the site (‘wooded edge’) area, have large areas of blank frontages facing the main spine road and results in poor quality public realm. In addition, the parking proposed to the terraced blocks is poorly arranged and would create adverse visual impact on the street scene. The location of the proposed pumping station is not satisfactory and would form a poor terminating vista for the main access route to the pond. There is also a lack of access to the community orchard.

57. **SCDC Landscape and Trees**

58. At Foxtton House, qualitatively, the tree population comprises original plantings of large deciduous and evergreen trees of species fashionable in the mid to late nineteenth century, including a Wellingtonia. This species is the largest in the world and almost ubiquitous within gardens of large, historic dwellings. A large proportion of the boundary trees/screening at Foxtton House is made up of Leylandii, this species is out of context with a historical property currently undergoing renovation of the house and grounds. The Leylandii would not have been present on site in 1974 when TPO 02/74 was served, and this strongly indicates that at this time and before (1970s) the boundary was open affording expansive views across the proposed development site. In this historical context, the owner(s) of Foxtton House would be best advised to remove all of the Leylandii to open up views to the northwest which would historically have been within the grounds of the house. The applicant therefore cannot conceivably cite the presumably permanent retention of these Cypress trees as a site screening justification as they are unprotected; not in the ownership of the applicant; and their removal is desirable from a historical standpoint.

59. The proposed development site has strong associations with Foxtton House and pleasure grounds. However, the siting of the proposed development indicates that there is a mere 20 metres between the nearest corner of Foxtton House and the garden boundary before the application site is reached. The proposals will therefore cause deleterious effect on the context and scale of the remnants of the designed garden and pleasure grounds to Foxtton House (the tree population), as well as the wider landscape.

60. The applicant has included within the application a Landscape and Visual Impact Assessment ref no: GLA 19. This document has considered the potential landscape and visual effects around the proposed site. Whilst the site is well contained and screened by intervening topography, field boundaries and trees from medium and long range views, adverse landscape and visual effects from short range views would be experienced along the south, south-eastern and south-western sides of the site particularly during the construction phase.

61. The applicant has indicated a number of visual receptors around the site notably 01, 02, 03, 04 and 07. Whilst a hedgerow and vegetation are proposed along the western boundary as mitigation works to reduce this adverse environmental impact, in the long-term (15 years+), a native hedgerow (approx. finished height of 2m) with

native trees planted at intervals would be insufficient as screening or enhancement works. Therefore the proposed development's roof tops and open views into the site would be still visible from the west of the village, particularly the A10 motorway and Shepreth Road. Foxton House, a Grade II listed property, is situated adjacent to the south east boundary. The proposed development would have an unacceptable adverse impact to the historic and landscape setting due to the lack of a wide public open space between the development and the listed building. The applicant has not included the assessment of this historic setting and character within the LVIA. Ideally, a historic character assessment with visual receptors within and surrounding the site should have been considered.

62. *Concluding Comments of SCDC Historic Buildings, Trees and Landscapes and Urban Design*
63. The submitted information demonstrates that the site is not capable of being developed with the proposed number of dwellings in a manner which would be in keeping with the character of Foxton Village, or provide an appropriate setting for the Grade II Listed Foxton House and acknowledge the role that the application site previously played in providing a parkland setting for the house. With the proposed built form being located so close to the house and grounds of Foxton House, it is inappropriate to depend on the presumption of the permanent retention of Leylandii as a buffer/screen for the proposed development.
64. The application also fails to incorporate sound urban design principles and has issues concerning connectivity, building layout and form, street frontages and parking arrangement. The application and its associated documents, by being in outline only, are not as thorough or detailed as might have been expected given the quality of the site's neighbouring Grade II Listed Building, Foxton House, with factual errors, inconsistency, ambiguity and poor justification for the as yet indicative proposals. Given English Heritage's operation of a precautionary principle, this leads to a marked degree of doubt as to the extent that the proposal site can accommodate the proposed development without detriment to the setting of the finite heritage resource of Foxton House and its historic curtilage. As such the proposed development is contrary to the following national and local planning policies:
  - Paragraph 128 of the 'NPPF' (2012) - the level of detail is insufficient to assess impact on significance
  - Paragraphs 132, 133 & 134 of the 'NPPF' (2012) - the level of detail is insufficient to assess impact on significance – issues concerning the impact of the proposed development on the significance of a heritage asset
  - 'Planning Policy Statement 5' (2012) – issue of views into & from site, current & historic uses in area & urban grain
  - *Policy CH/4 of the 'SCDC Development Control Policies (DPD)' (2007) – development affecting the curtilage or setting of a Listed Building*
  - *Policy DP/1 of the 'SCDC Development Control Policies (DPD)' (2007) – issues of conserving local landscape character and cultural heritage.*
  - *Policy DP/2 of the 'SCDC Development Control Policies (DPD)' (2007) – issues of achieving a high quality permeable layout*
  - *Paragraphs 4.37, 4.38 & 4.41 of the 'SCDC Listed Buildings (SPD)' (2009) – issues in relation to the setting of Listed Buildings*
  - *Policy NH/14.2 of emerging 'SCDC Local Plan' – issues in relation to sustaining and enhancing 1) Significance of heritage asset; particularly if designated, including their setting;*

2) Special character and distinctiveness of historic environment of district including villages.

65. The proposed quantum of development would have an adverse effect on the historic and landscape setting of the Grade II Listed Building Foxton House and harm the character of Foxton village and hence object to these proposals. However, there is potential for a lower quantum of development on this site with an appropriate response to character and setting. This should be informed by a sound historic and contextual analysis of the site.
66. **Design Enabling Panel** – was not convinced that the site is capable of being developed with the proposed number of dwellings in a manner which would be in keeping with the character of Foxton, or provide an appropriate setting to Foxton House, including an acknowledgement of the role that this site previously played in providing parkland setting for the house. There were concerns as to whether the site had sufficient connectivity to the existing community.
67. In its conclusion it considered it to be likely that 95 dwellings would comprise inappropriate development in this location. It was also considered that the housing layout represented a relatively uniform spread and regular pattern across the site. This would not be conducive to creating character areas within the development itself but, more importantly, appeared uncharacteristic of Foxton, and did not respect the character of the adjoining conservation area. If built out as drawn, the development would result in a degree of harm to Foxton House through the impact on its setting.
68. **Cambridgeshire County Council Education** – states that there is not sufficient early years capacity in the area in the next two years to cater for the proposed development. The development is expected to generate a net increase of 25.8 early years aged children. Based on the limited capacity that already exists it is reasonable to seek contributions on 11 early years aged children based on £8,400 per child, giving a total of £92,400 to be sought.
69. Foxton Primary School currently has insufficient capacity over the next 5 years to accommodate the primary school places that would be generated by net increase of 31.4 spaces that would need to be provided to serve the development. Based on current information it is reasonable to seek contributions on 16 primary aged pupils which reflects that a very limited capacity based on £8,400 per pupil, giving a total of £134,400 to be sought.
70. There is sufficient capacity at Melbourn Village College over the next five years to accommodate the places generated by this development, and therefore no secondary school contribution is sought.
71. **Cambridgeshire Archaeology** – records indicate that the site is located in an area of high archaeological potential. It is located to the west of the historic village core and earthwork traces of the medieval village layout are evident within 200m to the east. Geophysical survey to the east also suggests the presence of Iron Age settlement in the vicinity. Cropmarks to the west of the site are indicative of extensive and intensive Roman land use. Part of this complex is designated as a Scheduled Monument. Archaeological investigations in this area identified evidence for Roman settlement and architecture, including features interpreted as of potentially military origin, and an inhumation cemetery. Features within the application area include a cropmark of ring ditch of probable Bronze Age date and finds of Roman, Saxon and medieval date. It is likely that significant archaeological assets will survive in the area and that these would be severely damaged or destroyed by the proposed development.

72. It is strongly recommended that the site is subject to an archaeological evaluation to be carried out prior to the determination of the application. The evaluation results should allow for the fuller consideration of the presence/absence, nature, extent, quality and survival of archaeological remains within the area. An informed judgement can then be made as to whether any planning consent will need to include provisions for the recording and, more importantly, the preservation of important archaeological remains *in situ*.
73. Comments on the report received following trial trenching requested will be reported.
74. **Cambridgeshire County Council Minerals and Waste** – recognises that information is quite limited at the outline application stage. However, it is essential that waste design and the requirements set out in the RECAP Waste Management Design Guide SPD are used to help inform the final design. The reference to resource minimisation within the Planning Statement is welcomed. A construction method statement should be secured by condition.
75. The site falls within a mineral safeguarding area (MSA), and the inclusion of a minerals assessment for consideration is welcomed. The conclusions of the assessment are accepted and there is no objection to the loss of land within the MSA.
76. A Construction Environmental Management Plan (CEMP) and related waste audit should be sought at the reserved matters stage, which should consider the associated traffic movements.
77. The submission documents do not appear to make reference to a waste audit and best practice measures to try and reduce the level of waste during the construction phase. These matters should be dealt with through the CEMP and waste audit strategy at the reserved matters stage. These requirements can be secured by condition.
78. The need for recycling facilities and a contribution to the Household Recycling Centre service must be considered as part of the RECAP Tool Kit and Contributions Assessment that will need to be submitted at the reserved matters stage. This can be secured by condition.
79. **Cambridgeshire County Council Floods and Water** – welcomes the use of source control SuDS features such as permeable paving, however there may be restrictions on the ability of the Highways Authority to adopt these types of SuDS as part of the residential roads, therefore it should be considered at an early stage whether there are other types of SuDS such as the use of rain gardens or swales, which might be a more acceptable option. Overall there is limited emphasis on greenways across the site to try and enhance the ecology, amenity or street scene benefits that SuDS can bring more widely. Additionally there is still reliance on piping the majority of surface water drainage across the site to the infiltration basin. The development should look to optimise these benefits wherever possible following more detailed design. Further detailed design is required to show how exceedance flows above the 1 in 100 years plus climate change event will be dealt with across the site without negatively impacting on adjacent areas.
80. There is a need to ensure that run off from new developments is carefully managed so that surface water flood risk is not increased in surrounding areas or water quality reduced to nearby water bodies. Also that SuDS are adopted and provision is made for its maintenance, in perpetuity.

81. **Cambridgeshire County Council Sports, Arts and Museums** – reference about how the new population will be accessing sports, museums and arts facilities should be provided.
82. **Cambridgeshire County Council Libraries and Lifelong Learning** – Foxton is currently served by the County Council mobile library service, with 3 stops in the village. The large increase in population from this development means that a contribution of £7,335.56 would be sought to provide an additional stop or equivalent provision, and additional stock and resources.
83. **Environment Agency** – no objections subject to conditions relating to a detailed surface water drainage scheme, contamination, and foul water drainage.
84. In respect of foul water drainage it comments that the sewage treatment works (STW) at Foxton is overloaded and in breach of discharge permit conditions. The increased discharge from the STW is likely to cause failure of the statutory water quality objectives if this development is occupied ahead of improvement or extension of the existing system.
85. At present Anglian Water, the sewerage undertaker, does not have programmed improvement measures to prevent the detrimental impact to surface water quality, however it has confirmed that a satisfactory programme of improvements can be put in place to mitigate the impact on river quality, and this could happen within the lifetime of the planning permission.
86. **Anglian Water** – The foul drainage from this development is in the catchment area of Foxton Recycling Centre, which currently does not have capacity to treat the flows from the development site. Anglian Water is obligated to accept the foul flows from development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted.
87. The sewerage system at present has capacity for these flows.
88. If planning consent is granted a condition is included so that no development commences until a wastewater strategy has been submitted and approved, and that no dwelling is occupied until the works have been carried out in accordance with the approved strategy.
89. **Environmental Health (Contaminated Land Officer)** – The site contains agricultural buildings and is for a sensitive end use. The site is within an area known to have used Asbestos Containing Materials as hardcore on tracks and farmyards, provided by a nearby asbestos cement board manufacturing site. The recommendation of the report submitted with the application that further investigation is supported, although asbestos in soils, particularly within the farmyard, should also be assessed.
90. The above can be controlled through a condition requiring further investigation prior to the commencement of development.
91. **Environmental Health Officer** – is satisfied in principle with the Noise Assessment report submitted with the application. It acknowledges the known noise sources in the locality, namely the Royston Road (A10), Burlington Industrial Estate, and the small industrial site to the north off Royston Road. It also highlights what attenuation methods are feasible to ensure compliance with recognised standards and protect

future residents. He concurs with the inclusion in the report that 'final proposals for glazing and ventilation options would need to be reviewed as the final master plan of the site is developed at the reserved matters stage' as at present there is no proposed site layout plan detailing the position of dwellings. When this is available the issue of noise exposure will need to be revisited to identify exact levels at all properties proposed on site. Thereafter, appropriate noise mitigation measures can be determined to ensure compliance with recognised national and adopted standards.

92. Conditions in respect of hours of operation of power driven machinery during the period of construction, noise attenuation measures for the new properties, artificial lighting details, no bonfires and burning of waste during the period of construction, and the use of driven pile foundations, should be included in any consent.
93. **Housing Development Officer** – notes that the level of affordable housing proposed is policy compliant at 40%. For 95 dwellings this would equate to 38 affordable dwellings. The tenure of the affordable housing should be 70% rented and 30% intermediate. The affordable housing should be built to at least the old HCA housing standards as a minimum as affordable homes are not under-occupied. The affordable housing should be evenly distributed throughout the development, and good quality design and layout should allow for tenure neutrality.
94. **NHS Property Services** – states that the information submitted with the application on the capacity of existing services is incorrect. The number of GP's is significantly overstated as the actual number has been used, not whole time equivalents which takes account of part-time staff. The assessment takes no account of building capacity. Both Melbourn and Harston surgery are significantly undersized for their current list sizes. The assessment does not take account of the impact of other agreed or proposed developments within the catchment area, at Hauxton, Melbourn and Barrington.
95. The measure of 1800 patients per GP is a very crude, historic measure that does not take account of actual workload, dependent on demography and epidemiology of the patient list and of other staff, such as Nurse Practitioners, delivering services that in the past would have been delivered by GP's. Neither does it take account for the plurality of service models used for delivery of Primary Medical Services.
96. A table is provided that shows that between the two surgeries they are currently over physical capacity by 4686 patients. Using an alternative measure for sizing GP premises, on the basis of square floorspace required per whole time GP, each Practice would require 455 sq.m, which would mean Harston is currently undersized by 182.1 sq.m and Melbourn by 163.63 sq.m
97. The calculations indicate that there is currently both insufficient service capacity and physical infrastructure to provide Primary Healthcare services to the residents of the proposed development, and increased capacity is essential. Both Practices are currently developing plans to extend their premises and submit suitable business cases for approval to NHS England. The additional capacity is to provide services to for the increased population arising from the current permissions or known applications. It is not yet known how much additional space can be provided, nor an estimated cost, but it is likely that both buildings will still be undersized for their expanded list sizes.
98. It is close to the point where the only way to provide services to further development would be building replacement facilities, and that may not be feasible or viable.

99. The agreed rate for contributions in South Cambridgeshire has been at a rate of £635 per dwelling, index-linked, which for this application would result in a contribution to Health of £60,325.
100. **Network Rail** – no comments received
101. **Environmental Health (Public Health Specialist)** - comments will be reported.

### **Representations**

102. A total of 40 letters of objection have been received from the occupiers of 27 households in Foxton. The principle areas of concern are:
- i. Outside village framework – does not comply with Local Plan
  - ii. Scale and size of development too large for Foxton, and will spoil the integrity and character of a small South Cambridgeshire village, which is classed as a Group Village.
  - iii. Adverse impact on the setting of Foxton House, a Grade II listed building. The significance of the building and impact are considered to be significantly understated in the application, which are locally considered to be substantial. Development will be on land which formerly comprised part of the grounds of Foxton House. There are errors in the Heritage Statement. ‘Intervisibility’ of Foxton House should be increased not harmed.
  - iv. Adverse impact on adjacent Conservation Area.
  - v. Although Foxton benefits from good public transport links the road network will be adversely affected by increase in cars on the A10.
  - vi. Junctions from Foxton with A10 at Station Road, and Shepreth Road are already dangerous, and there have been several serious accidents. Eventual replacement of level crossing will result intermittent breaks in traffic will vanish.
  - vii. Area around the shop and junction between High Street and Station Road frequently get congested already. There is already a parking problem in Station Road and High Street.
  - viii. Cycle path is on the wrong side of the road for this development.
  - ix. Primary school near capacity – would not cope with increased number of pupils
  - x. Health (Melbourn and Harston) and dental facilities already full to capacity, despite applicant’s claim to the contrary.
  - xi. Sewer and surface water drainage services wholly inadequate for this size of development.
  - xii. Other services such as phones and lighting are already at capacity.
  - xiii. Small village shop will not be able to cope with 33% additional people.
  - xiv. No need for additional affordable housing in the village.
  - xv. Speculative application and there is no provision in the local budget for any infrastructure, health or education improvements that will be required, particularly when assessing cumulative impact of other large developments proposed in Melbourn and Barrington.
  - xvi. Village currently benefits from a buffer zone between the A10 and residential properties, of which this site is an essential part.
  - xvii. Adverse impact on wildlife. Site is important habitat for some rare species.
  - xviii. The applicant dismissed the trees on site as of no significance. There are a number of Lime, Plane, Oak, Beech and Sycamore on the site, planted in recent years, which are now 15-20 feet high, and in years to come will enhance the environment greatly.

- xix. Loss of residential amenity to adjoining residents.
  - xx. Applicant's claim the Council do not have a 5-year housing land supply, therefore allowing free rein to build on greenfield sites. However, Foxton already has a lot of development either underway or committed, which in total is around 40 houses, including 15 Council houses.
  - xxi. Development is not compatible with long-term sustainability of the spatial structure of the region, which should not be based on an *ad hoc* decision on individual applications. It is unfortunate that the Local Plan has not yet been approved,
  - xxii. In a village survey well over 90% of respondents (over 50% of households) were opposed to this development.
  - xxiii. Development not sustainable.
  - xxiv. Impact of construction traffic.
  - xxv. Loss of agricultural land.
103. One letter has been received with no objection to the proposed development.
104. County Councillor Susan van de Ven has submitted comments on the application, which are attached as Appendix 1.

### **Site and Proposal**

105. The site comprises 5.7 hectares of land on the south west side of Foxton. The site is bounded on the north west side by the A10, with the majority of this boundary comprising a planting belt, which is the subject of a Tree Preservation Order.
106. The site is largely open, but contains a group of barns and concrete hardstanding close to the south west boundary. To the south west of the site is agricultural land, with the south west boundary being currently undefined, extending into what is currently an open field.
107. To the south east the site adjoins the rear of residential properties on Shepreth Road, including at its north east end, the grounds of Foxton House, a Grade II listed building. To the north east the site adjoins paddock land to the rear of the Burlington Press site in Station Road.
108. The outline application, with all matters reserved with the exception of access, proposes development of the site by up to 95 dwellings, and associated public open space. Vehicular access is proposed onto Shepreth Road at the south west end of the site. The scheme, as amended includes a pedestrian access to Royston Road, in the north east corner, and the provision of a new footpath on the south side of Royston Road from that point to Station Road.
109. The application includes an illustrative masterplan, which includes 2.64ha of public open space.
110. The application is accompanied by a Planning Statement, Design and Access Statement, Landscape and Visual Assessment, Transport Assessment, Travel Plan, Ecological Report, Arboricultural Report, Phase 1 Site Investigation Report, Flood Risk Assessment, Heritage Assessment, Archaeological Assessment, Noise Assessment, Statement of Community Involvement, Sustainability Appraisal, Socio-Economic Sustainability Assessment, Foul Drainage Report and Minerals Assessment Report.

## **Planning Considerations**

### 111. *Housing Land Supply*

112. The National Planning Policy Framework (2012) (NPPF) requires councils to boost significantly the supply of housing and to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
113. On the 25 June 2014 in two appeal decisions for sites in Waterbeach the Inspector concluded that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. He identified either a 3.51 or 3.9 year supply (each appeal was judged on its own evidence and slightly different conclusions reached). This is against the Strategic Housing Market Assessment figure for objectively assessed needs of 19,000 homes between 2011 and 2031, which he concluded had more weight than the Core Strategy figure. It is appropriate for the conclusions reached within these appeal decisions to be taken into account in the Council's decision making where they are relevant. Unless circumstances change, those conclusions should inform, in particular, the Council's approach to paragraph 49 of the NPPF, which states that adopted policies "for the supply of housing" cannot be considered up to date where there is not a five year housing land supply. Those policies were listed in the decision letters and are: Core Strategy DPD policies ST/2 and ST/5 and Development Control Policies DPD policy DP/7 (relating to village frameworks and indicative limits on the scale of development in villages). The Inspector did not have to consider policies ST/6 and ST/7 but as a logical consequence of the decision these should also be policies "for the supply of housing".
114. Where this is the case, paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. It says that where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted (which includes land designated as Green Belt in adopted plans).

### 115. *Principle of development*

116. The site is located outside the Foxton village framework and in the countryside where Policy DP/7 of the LDF and Policy S/7 of the Draft Local Plan states that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. The erection of a residential development of up to 95 dwellings would therefore not under normal circumstances be considered acceptable in principle. However, this policy is considered out of date due to the current lack of a 5 year housing land supply.
117. Foxton is identified as a Group Village under Policy ST/6 of the LDF and Policy S/8 of the Draft Local Plan. These are generally less sustainable settlements than Rural Centres and Minor Rural Centres, having fewer services and facilities and allowing some of the day-to-day needs of residents to be met without the need to travel outside the village. Development in Group Villages is normally limited to schemes of up to 8 dwellings, or in exceptional cases 15, where development would make best use of a single brownfield site. However, this policy is considered out of date due to the current lack of a 5 year housing land supply.

### 118. *Deliverability*

119. The applicant has stated that following the granting of consent the site would be marketed immediately, and sold as expeditiously as possible to one or more house builders who would submit the requisite reserved matters applications. The application states that there are no technical constraints to the sites delivery and that the site is demonstrable suitable, available and achievable, and therefore wholly deliverable in the short term. It is stated that it is likely, subject to market conditions, on average around 25 to 35 market dwellings would be completed per annum and that the site would take around 3 years to complete.
120. Officers are of the view that the applicant has demonstrated that the site can be delivered within a timescale whereby significant weight can be given to the contribution the proposal could make to the 5 year housing land supply.
121. *Sustainability of development*
122. The NPPF states that there are 3 dimensions to sustainable development, economic, social and environmental. The aspects are considered in the assessment of highlighted issues below.
123. *Provision of new housing*
124. The development would provide a clear benefit in helping to meet the current shortfall in South Cambridgeshire through delivering up to 95 residential dwellings. 40% of these units will be affordable. The applicant indicates that the mix of housing will be in accord with Policy HG/2. The affordable housing can be secured through a Section 106 Agreement. Officers are of the view the provision of up to 95 houses is a benefit and significant weight should be attributed this in the decision making process.
125. A number of third party representations draw attention to there not being a local need for affordable housing within the village, with this need having already been met by approved or current schemes for an exception site, and other developments in the village. However, developments on schemes requiring affordable housing provision on-site are not required to only meet the level of local need identified, but provide accommodation for the wider need within the district.
126. Areas of public open space are shown on the indicative layout plan, and these will need to be secured through a Section 106 agreement, along with appropriate off-site and maintenance contributions.
127. *Impact on character of the village and landscape*
128. The application proposes new housing at a density of 28.5 dwellings per hectare. The density of surrounding development is relatively low, as outlined in the comments of the Urban Design Officer in paragraph 54 above.
129. The surrounding area is characterised by detached buildings in large plots, with Foxton House being one example of this. The south west end of Foxton, and on the north side of Shepreth Road in particular retains a very rural character at the edge of the village and Conservation Area.
130. The concerns regarding the location, scale, density of the proposed development, and how this relates to the location of the site, existing character of the village, the adjacent conservation area and Foxton House, have been fully set out earlier in the report in the comments of the Urban Design, Landscapes and Trees Officer in

paragraphs 53-65 above, and have therefore not been rehearsed again in detail in this section of the report. Reference to this aspect of the development has also been made in the comments of the Design Enabling Panel, Foxton Parish Council, and local residents.

131. Paragraph 58 of the NPPF states that it should be ensured that developments respond to local character, and history, and reflect the identity of local surroundings and materials.
132. Policy DP/2 of the LDF states that all new developments should preserve or enhance the character of the local area; conserve or enhance important environmental assets of the site; and be compatible with its location in terms of scale, mass and form.
133. Policy DP/3 of the LDF states that planning permission will not be granted where the proposed development would, amongst other criteria, have an unacceptable adverse on village character, the countryside and landscape character.
134. Officers are of the view that the development proposed is alien to the existing pattern and character of development at this end of Foxton village and as a result will cause significant and demonstrably harm to the current rural character of this part of the village and the adjacent conservation area.
135. The site benefits from existing screening to the A10 boundary, and new/reinforced planting is proposed on other boundaries. However, officers are of the view that this will not adequately mitigate the adverse impacts referred to above, and earlier in this report. In addition to the new buildings proposed, the impact would include the introduction of substantial amounts of additional lighting, in the form of street lighting, and internal and external lighting to dwellings, features which are currently not present within the site. This would further add to the adverse impact of the proposed development.
136. *Heritage Assets*
137. The concerns of the Historic Buildings Officer have been fully rehearsed in paragraphs 45-50 above, and again are not rehearsed in detail in this section of the report. Reference to this aspect of the development has also been made in the comments of the Urban Design Officer, Landscapes Officer, Design Enabling Panel, Foxton Parish Council, and local residents.
138. The applicant has submitted an updated Heritage Assessment during the course of the application and has provided a specific response to the points raised by the occupier of Foxton House, and the comments of the Historic Buildings Officer.
139. A copy of the letter in response to the comments of Historic Buildings is attached as Appendix 2.
140. Paragraph 128 of the NPPF states that in determining applications Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This assessment should be taken into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

141. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
142. Officers have identified that the degree of harm to the setting of Foxton House is considered to be less than substantial. Having considered the case made by the applicant officers are of the view that the public benefits, in terms of affordable housing and contribution towards the 5 year housing land supply, do not significantly and demonstrably outweigh the harm that would be caused by the permanent destruction of the setting of a finite heritage resource.
143. Although the application is in outline only, the illustrative masterplan clearly indicates that development would be too close to the listed building, with the developed area coming to within 20 metres of the boundary, and that the scale of development proposed cannot be accommodated without harming the setting of Foxton House.
144. Cambridgeshire Archaeology has identified the site as having high archaeological interest and requested an investigation prior to determination of the application. This has now been carried out and its findings passed to Cambridgeshire Archaeology for its further comments. These will be reported to the meeting.

#### *Services and Facilities*

145. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas advising '*housing should be located where it will enhance or maintain the vitality of rural communities*', and recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.
146. Foxton village is served by relatively few services and facilities but including a Primary School, Public House, Church, Village Hall, shop and some formal sporting facilities along with an extensive area of public open space. There are no further retail facilities such as a bakery, butchers, pharmacy or hairdressers and residents are required to commute outside the village to access these day-to-day services. There are employment opportunities within the village, mainly along Station Road.
147. This relative lack of services is reflected in Foxton being designed a 'Group Village' on the Core Strategy settlement hierarchy. Group villages are described as '*generally less sustainable locations for new development than Rural Centres and Minor Rural Centres, having fewer services and facilities allowing only some of the basic day-to-day requirements of their residents to be met without the need to travel outside the village*', and new housing proposals are restricted to limited development which will help maintain remaining services and facilities.
148. Pedestrian access to all services and facilities, with the exception of the railway station will be via the new site access from Shepreth Road. As a result residents of properties at the eastern end of the site (based on the illustrative layout plan), would be approximately 1.3km from the Primary School and recreation ground, 1.2km from the Church and 1km from the village shop and public house. For residents at the eastern end of the site this distance would reduce by 0.2km.
149. A footpath link will be provided from the point of access along the north side of Shepreth Road to a point where pedestrians can cross to join the existing footpath on the south side of the road. Although some of the distances referred to in the paragraph above are slightly greater than the 1km recommended maximum distance for pedestrian access to facilities, officers are of the view that this is not significant in

this case. A number of residents will be within the 1km recommended distance, although a greater level of connectivity from the site to the existing village would be preferable. However, the applicant does not control land needed to achieve this.

150. The railway station will be accessible by the new pedestrian/cycle link from the site to the A10, and the new route to be provided along the south side of the A10 (the two proposed A10 crossing points having now been deleted from the application). Properties with the development site will be within 1km of the railway station. The applicant is proposing to provide additional bike boxes at Foxtton station to provide facilities for the additional number of cyclists that may use the railway.
151. The development overall is considered to be located within an acceptable distance of local services such as to not dissuade residents from looking at alternative means of transport other than the private car.
152. Two additional bus stops are proposed either side of Shepreth Road, close to the junction with the new access road. Contributions to secure these, and other highway improvements referred to above, will be required by the County Council. The village benefits from an hourly bus service on a link between Royston and Cambridge until early evening, although there is no Sunday service.
153. The provision of up to 95 new houses will assist in maintaining the existing level of services offered in both Foxtton and surrounding villages and some weight is given to this benefit, as per the advice of paragraph 55 of the NPPF.
154. However the scale of development would represent a significant increase in the size of the village, which does not have a range of services and facilities new residents would be expected to use.
155. Residents living in Foxtton access primary health care services at both Melbourn and Harston surgeries. The NHS advises that there is no spare capacity at either surgery and requests appropriate contributions to mitigate this. Many of the representations from local residents draw attention to the difficulty in obtaining an appointment and finding parking at both surgeries. Officers have visited both surgeries and discussed potential options to expand the practice, and whilst any future development would be subject to obtaining consent it is likely this could be achieved (without losing car parking provision) in respect of Harston, however whilst the building at Melbourn could be expanded to a limited extent, additional car parking cannot be provided. However, officers are of the view that for the scale of development proposed, and given that patients would be split between the two surgeries, the needs arising from this development could be catered for. The contributions required by the NHS would be secured through a S106 Agreement.
156. The County Council requires funding for provision of additional primary school places in Foxtton, which can be secured through a Section 106 Agreement. Sufficient capacity exists at Melbourn Village College to accommodate the increased number of pupils anticipated.
157. The County Council has requested a contribution toward early years provision. The applicant considers this request unnecessary and unreasonable, and would not meet the terms of the CIL Regulations 2010, as it is not necessary to make the development acceptable in planning terms. The applicant comments that parents are not required by law to send pre-school aged children to pre-school and no evidence has been provided by the Education Authority as to the necessity. Officers are of the view that the requirement towards early years provision has been supported at

appeal in other cases and would seek to secure this contribution through a Section 106 Agreement.

158. *Access and Transport*

159. The Local Highway Authority has assessed the updated information submitted by the applicant and has concluded that the impact of the traffic that would be generated as a result of the development, including at the junctions and areas where local concern has been expressed, is acceptable. Revised modelling has been produced where requested by the County Council.

160. The applicant has been requested to provide a plan showing the required visibility splays at the junction of the new access road with Shepreth Road. These can be achieved, but are required to be shown as the application seeks approval of access at the outline stage.

161. Aspects of highway improvements, such as footpaths and cycleway, and additional bus stop provision, have already been referred to under 'services and facilities' above. A Travel Plan, and Traffic Management Plan can be secured by condition.

*Surface water drainage*

162. The site lies in Flood Zone 1. The Environment Agency has not raised an objection and is of the view that surface water drainage from the site will not be an issue, subject to suitable conditions being included in any consent

*Foul water drainage*

163. Anglian Water has stated although there is not currently capacity to deal with foul drainage flows from the development, it accepts that it would need to take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted. It indicates that this is achievable within the likely timescale of the development. The improvements required can be secured by condition.

*Ecology*

164. The application is accompanied by an Ecological Report.

165. The report states that habitats within the application boundary comprised of ploughed arable field compartment, amenity grassland, semi-improved grassland, two plantation woodlands and scrub. It states that the managed semi-improved grasslands was dominated by common grass species with herb species concentrated in small patches across the grassland. Loss of these habitats would not be expect to adversely affect the local nature conservation of the area, and are therefore not considered to be a constraint to the development of the site. The report considers that any minimal impact on biodiversity could be easily compensated for within the proposed development through good design and appropriate landscaping and habitat creation.

166. Hedgerows are largely non-native, with only a small section consisting of native species and being classed as a habitat of principal importance. Proposals should enhance the value of the site through the creation of new native species hedgerows around the site, which provide continuous corridors of movement into the wider countryside.

167. All mature trees within the site provided potential habitats for invertebrates, nesting birds and other local wildlife in addition to providing structural diversity and continuity of habitat and should be retained wherever possible. Where it is not possible to retain mature trees safely within the proposal, suitable replacement planting should be undertaken. All trees being retained should be protected from damage and soil compaction during works by maintaining fencing around Root Protection Areas.
168. Adequate bat surveys have been carried out, and low bat activity has been recorded across the site. There limited opportunities for roosts except for native trees which are currently to be retained. No badgers were recorded on the site, and there are low reptile opportunities.
169. Any conditions, should consent be granted, would bring forward the relevant parts of the Ecological Reports recommendations.
170. *Residential amenity*
171. The current high level of residential amenity and outlook from the rear of properties adjoining the site in Shepreth Road will be adversely affected by the scale of the development proposed for the application site. The issues of detailed layout and design of properties would be a matter for consideration at the reserved matters stage. However, Officers are of the view that issues of direct impact on residential impact in terms of overlooking, loss of light and overshadowing, and any overbearing impact could be mitigated by appropriate layout and design.
172. The Environmental Health Officer is satisfied that the amenity of the future occupiers of new dwellings can be sufficiently protected from noise from the A10. This can be resolved at the reserved matters stage through layout and appropriate noise mitigation measures, which can be secured by condition.
173. *Loss of agricultural land*
174. Although the land is classified Grade 2 land the applicant has undertaken a survey of the site which concludes that most soils are deep well drained medium loams of variable depth over gravel. The land is of best and most versatile quality in grade 2 or sub-grade 3a. The area of the site is below that which would trigger consultation with Natural England.

#### *Renawable Energy*

175. The applicant has indicated that the scheme will comply with the need to provide renewable energy generation technology to comply with Building Regulation targets, plus the additional 10% reduction and 10% on-site energy generation targets, but has stated that this can only be resolved at the detailed stage as further design and layout information becomes available.
176. The applicant has indicated that measures such as increased insulation, reducing the effects of thermal bridging, effective air tightness, improved controlled ventilation, and energy efficient lighting will be considered in the design details.
177. Officers are of the view that this matter can be dealt with by condition, however the detailed layout and orientation of dwellings should seek to maximise energy saving possibilities.
178. *Other matters*

179. Matters raised concerning the need for dealing with potential contamination, and compliance with the RECAP Waste Management Design Guide can be dealt with by condition, or at the reserved matters stage.
180. *Benefits of the development*
181. The applicant sets out a number of areas where it is considered that there will be benefits as a result of the development. In respect of the housing element of the proposal these include the increased housing supply to help meet the Council's immediate housing needs; the provision of a wide choice of homes, including affordable housing; provision of public open space and children's play facilities to benefit both new and existing residents (approx. 38% of the total site area will be public open space); pedestrian link to the A10 which will also give easier access to existing residents of Shepreth Road to the A10 pedestrian/cycleway which leads to the train station; provision of new shared pedestrian/cycleway along the A10 north east to Foxton Station; provision of bike boxes at Foxton Station; footpath provided along the vehicular entrance to the site to provide a safe pedestrian access to the footpath on the opposite side of the road; and the extension of the 30 mph limit along Shepreth Road (subject to negotiations with the County Council).
182. The applicant states that the scheme has the ability to contribute to job creation through the development and investment in infrastructure. It is expected that 85 jobs will be created spread over the construction period, and would lead to an additional 93 full-time jobs in associated industries. There would be a boost to local shopping. The scheme would contribute to the New Homes Bonus.
183. The applicant considers that there are no adverse impacts from the housing element of the scheme that would outweigh the significant benefits that the application identifies.
184. Officers recognise that the factors outlined above need to be considered when carrying out the final assessment of whether the benefits of the development are significantly and demonstrably outweighed by any identified harm.
185. *Planning Obligations*
186. The application involves significant financial contributions to be secured by way of a Section 106 Agreement, which are referred to in the report. Planning obligations which are directly relevant to the application, proportionate and absolutely necessary for the scheme to be acceptable and so meet the CIL Reg. 122 test are:
- Education (Foxton Primary school and Early Years) where capacity is confirmed
  - pedestrian and/or cycle links to Foxton station
  - highway improvements, bus stop improvements and
  - health care provision where over capacity is confirmed
- These would require significant contributions, or the provision of a new classroom and GP surgery extension, the cost of which should be met by the development.
- Other contributions may be sought for public open space, community facilities, waste/bins, household recycling centre, libraries and lifelong learning, but are not regarded as necessary to make the scheme CIL compliant and acceptable. A S106 agreement would also need to secure the provision of affordable housing, in accordance with policy.

## **Conclusion**

- .184. In considering this application, the following relevant adopted development plan policies are to be regarded as out of date while there is no five year housing land supply
- :
- ST/6: Group Villages – indicative maximum scheme size of 8 dwellings  
DP/7: Village Frameworks
- 187 This means that where planning permission is sought which would be contrary to the policies listed above, such applications must be determined against paragraph 14 of the NPPF.
- 188 Officers have identified in the report the areas where they consider that significant and demonstrable harm will result from proposal, in terms of the scale of development and impact on the character of this part of the village, the impact on the setting of Foxton House, a Grade II listed building, and the policies referred to above.
- 189 These adverse impacts must be weighed against the potential benefits of the development outlined in the preceding section of this report.
- 190 In this case the adverse impacts of the development are considered to significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole. Planning permission should therefore be refused because material considerations do not clearly outweigh the substantial harm identified, and conflict with out of date policies of the LDF.

## **Recommendation**

191. That the application is refused for the following reasons:
1. The proposed development of the site by up to 95 dwellings, by reason of its scale and location, would result in an alien form of urban development which would be out of character with the existing pattern and scale of development to the north of Shepreth Road. The proposal is therefore considered to be contrary to the aims of Policy DP/2 and DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, which state that planning permission will not be granted where the proposed development would have an adverse impact on the countryside.
  2. The proposed development would have a materially adverse impact on the setting of Foxton House, a Grade II listed building. The proposal is therefore contrary to the aims of Policy CH/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD which seeks to protect the setting of listed buildings.

## **Background Papers**

Where the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and

- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/2822/14/OL

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