

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 April 2016

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

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**Application Number:** S/1969/15/OL

**Parish(es):** Linton

**Proposal:** Residential Development of up to 50 Houses and 28 Allotments

**Site address:** Land South of Horseheath Road

**Applicant(s):** Ely Diocesan Board of Finance

**Recommendation:** Refusal

**Key material considerations:** Housing Land Supply  
Principle of Development  
Character and Appearance of the Area  
Density  
Housing Mix  
Affordable Housing  
Developer Contributions  
Design Considerations  
Trees and Landscaping  
Biodiversity  
Highway Safety and Sustainable Travel  
Flood Risk  
Neighbour Amenity  
Heritage Assets

**Committee Site Visit:** 5 April 2016

**Departure Application:** Yes

**Presenting Officer:** Karen Pell-Coggins, Principal Planning Officer

**Application brought to Committee because:** A Local Member is one of the applicants.

**Date by which decision due:** 2 November 2015

### Update to Report

#### Paragraph 47 - Representation

1. **Chair Linton Village College Governors** – Comments that the County Council assessment in relation to the capacity of Linton Village College (LVC)

to take more students is correct. However, this is based upon the designated feeder schools only and the following points should be noted: -

- i) LVC is an Academy and makes its own admissions policy;
  - ii) LVC is oversubscribed. The PAN for 2016/17 is 165 students. 180 have been accepted and there is a waiting list of around 40.
  - iii) LVC has historically admitted 20% of students from outside the catchment area and mostly in Suffolk.
  - iv) LVC has recently expanded its catchment to include some primary schools in Essex. This is because of the expansion of Saffron Walden and that the County High can no longer guarantee places.
  - v) LVC is an OFSTED rated Outstanding school- it has been and is oversubscribed. As the Multi Academy Trust expands, there have been three new applications from primary schools, one in Suffolk. This means that there is pressure to give priority for admissions to members of the Trust.
- Many of these points have not been considered by the County Council and it is considered that the formula for calculating capacity is out of date and should not be given weight.

#### **Paragraph 48 - Representation**

2. The applicants consider that there are two issues in relation to the requirement for a trench based evaluation required by Cambridgeshire County Council Historic Environment Team prior to the determination of the application. The first is the severely practical in that the crops have to be safeguarded. The second is financial in that evaluations can be very expensive (ten of thousands of pounds) and the owner is a Charity and careful of costs. A condition of Section 106 agreement is requested to address this issue as an alternative.
3. The benefits of the development are considered to point towards a consent on land use grounds. Reference is made to the conclusion of Lord Keith's peroration in the British Railways Boards case "the function of the planning authority is to decide whether or not the development is desirable in the public interest...but there is no absolute rule that the existence of difficulties, even if apparently insuperable, must necessarily lead to refusal of planning permission for a desirable development". Our archaeologist's opinion is that there will be abundant space for up to 50 dwellings and Inspectors have determined at appeals at Corhampton and Clerkenwell that a condition is considered appropriate.

#### **Paragraph 74 - Planning Assessment**

4. The comments of the Headteachers of the Junior and Infants Schools and the Governors of Linton Village College are noted. Whilst the schools are well attended Cambridgeshire County Council Growth Team has advised that in-catchment demand indicates there is sufficient capacity to accommodate new development (although any further future development beyond these sites may see this position reviewed). In effect the schools fill with out-of-catchment pupils, who in future would be accommodated in their local catchment. The Council would have no basis on which to seek education contributions, that would be CIL compliant.

## **Paragraph 90 - Planning Assessment**

5. Whilst the comments of the applicant in relation to the reasons why an archaeological evaluation cannot be carried out at this point in time are acknowledged, the comments of Cambridgeshire County Council Historic Environment Team are clear in that further works needs to be carried out to determine whether the site can accommodate up to 50 dwellings without harm to undesignated heritage assets. I have dealt with an application recently where an archaeological exclusion zone prevented development on a large part of the site following an evaluation. The details of the appeal examples referenced are not known and each application needs to be determined upon its own merits. It is in the public interest to safeguard heritage assets and it therefore this matter has to be seriously considered in the balance of the application and the final recommendation in accordance with paragraph 14 of the NPPF.

**Report Author:**

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