

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

22 April 2016

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

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**Application Number:** S/2068/15/OL

**Parish(es):** Gamlingay

**Proposal:** Outline application for the demolition of existing industrial and office units and 5 dwellings, and the erection of up to 90 dwellings, together with associated garaging, parking, public open space, landscaping, access, highways drainage and infrastructure works (All matters reserved apart except access)

**Site address:** Land at Green end Industrial Estate, Green End, Gamlingay

**Applicant(s):** R & H Wale Ltd and A G Wright and Sons Farms

**Recommendation:** Delegated Approval

**Key material considerations:** 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 (including the proposed allocation of the site in the Draft Local Plan 2013), employment, scale of development and impact on character and landscape, drainage issues, services and facilities, access and transport, heritage assets and ecology, and prematurity.

**Committee Site Visit:** Thursday 21 April 2016

**Departure Application:** Yes

**Presenting Officer:** Paul Sexton, Principal Planning Officer

**Application brought to Committee because:** The application proposal raises considerations of wider than local interest.

**Date by which decision due:**

**Update to Report –**

**Planning Assessment**

*Housing Land Supply*

1. Paragraphs 137 – 140 of the report in the published agenda explains that the Council cannot currently demonstrate a five year land supply as required by the National

Planning Policy Framework. The latest published position in the Annual Monitoring Report is that using the most onerous method of calculating 5 year supply, the Council has 3.9 years supply of housing land. In such circumstances, the policies relating to housing supply are considered not up to date in accordance with policy 49 of the NPPF.

2. A recent Court of Appeal decision (*Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes*) has extended the definition of 'relevant policies for the supply of housing' from, 'merely policies in the Development Plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites,' to include, 'plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed ..' (Our emphasis). In the case of this application, the judgement does not affect any additional housing supply policies beyond those included in the published report.
3. The judgement also confirmed that even where policies are considered 'out of date' for the purposes of NPPF para.49, a decision maker is required to consider what weight should attach to such relevant policies. In the case of this application, which is for a site comprising previously developed land within a Minor Rural Centre, the main relevant housing supply policy in the adopted LDF is ST/5 and the limit that policy places on a housing development of an indicative scheme size of 30 dwellings. Also relevant is Policy H/1 of the submitted Local Plan that allocates the application site as part of a wider allocation for and mixed use development for residential and employment uses.
4. In this and future applications, having identified which policies are relevant to the application, and which of those policies are housing supply policies and therefore 'out of date', consideration should then be given to the weight (if any) to be attached to such policies. This involves considering the purpose of the policy and its planning objective and whether those purpose and planning objectives relate to matters which are independent of the issue of the supply of housing and thereby continue to perform a planning function. Where they do, weight may still be awarded to those policies when determining a planning application. Furthermore, as part of this process, consideration should be given to how the policy performs against the policies of the NPPF.
5. As noted above sustainability will be a key consideration and therefore on a case by case basis the sustainability credentials of the location should be fully considered which includes category of village, specific services and facilities in that village, accessibility to those services and facilities and the accessibility to higher order services and facilities elsewhere by sustainable transport modes. To this extent regard may in an individual case be had to the policies of the adopted LDP, including ST/4-7). These policies seek to categorise settlements and identify the scale of growth that would be appropriate at different settlement categories, having regard to the availability of services to sustain new housing and accessibility, both of which are important components of sustainability. Finally having undertaken this assessment, NPPF paragraph 14 should be applied such that the application should be granted unless any adverse impacts of doing so would 'significantly and demonstrably outweigh the benefits'.
6. In respect of this application officers have acknowledged that policy ST/5 is now 'out of date' in terms of the housing land supply need. Whilst the objective of the policy as part of the wider development strategy to focus development in more sustainable locations remains important, in the context of this particular application this consideration must be balanced alongside the proposed allocation for the application site in the submitted Local Plan. The proposed allocation results from a review of the development strategy and the identification of a limited number of housing allocations in the rural area on

appropriate sites to provide flexibility and support rural communities. Whilst the examination of the submitted Local Plan has yet to be completed and there are outstanding objections that will be tested through that process, this planning application considers the planning merits of the proposal and has provided an opportunity for comments to be made and considered.

7. In the context of a lack of a 5 year housing land supply, this application also falls to be determined against paragraph 14 of the NPPF. There is a presumption in favour of sustainable development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. As set down in paragraphs 197 – 199 the adverse impacts of the scheme are clearly weighed against the benefits and the judgement is reached that the scheme should be granted.
8. **Para 189** - An updated Annex 2 has now been produced to include the requested contributions of NHS England.

#### **Representations –Para 134**

9. The president of Gamlingay Bowls Club is asking for further consideration of the inclusion of a Bowls Green with associated facilities within the new development as part of the green space. The current site access and conditions at the bowls green in Gamlingay are unsatisfactory and also access for Blue Badge Holders is unsuitable. A new green in the centre of town would enable the successful club to grow and thrive.

#### **Recommendation**

10. No change to recommendation subject to the addition of the following conditions.

#### **Draft list of conditions**

1. Approval of the details of the layout of the site, the scale and appearance of buildings, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline only.)
2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
(Reason - The application is in outline only.)
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Drawing Nos 41323/P/02 Rev B and 41323/P/04.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)

5. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment [for each dwelling] shall be completed before that/the dwelling is occupied in accordance with the approved details and shall thereafter be retained.

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

7. No development shall take place until a plan showing the finished floor levels of the proposed dwellings in relation to the existing and proposed ground levels of the surrounding land has been submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

(Reason - In the interests of residential/visual amenity, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

8. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each have been submitted to and approved in writing by the Local Planning Authority.

- i) A Preliminary Risk Assessment (PRA) including a Conceptual Site Model(CSM) of the site indicating potential sources, pathways and receptors, including those off site.

- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised CSM.

- iii) Based on the risk assessment in ii) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

- iv) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in iii). The long term monitoring and maintenance plan in iii) shall be updated and implemented as approved.

(Reason - To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and previous land use in line with National

Planning Policy Framework paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP/3)).

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with, and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved. (Reason - To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and previous land use in line with National Planning Policy Framework paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP/3)).
9. Development shall not begin until a scheme for surface water drainage disposal has been submitted to, and approved in writing by, the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approved details. (Reason - To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and previous land use in line with National Planning Policy Framework paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP/3)).
10. Piling or other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. (Reason - To protect and prevent the pollution of controlled waters from potential pollutants associated with the current and previous land use in line with National Planning Policy Framework paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP/3)).
11. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority. (Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
12. No development shall be commenced until details of the surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the National Planning Policy Framework and the National Planning Policy Guidance, and the results of the assessment provided to the Local Planning Authority. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event + 30% allowance for climate change.

The submitted details shall be in accordance with Flood Risk Assessment ref. 41323 dated July 2015 and:

- i) Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) Provide a management and maintenance plan for the lifetime of the development.  
(Reason - To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity).
13. Prior to the first occupation of the development, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted drawings Nos 41323/P/02 Rev B and 41323/P/04. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.  
(Reason - In the interests of highway safety.)
14. The proposed accesses shall be constructed so that the falls and levels are such that no private water from the site drains across or onto the public highway, and shall be constructed using a bound material to prevent debris spreading onto the public highway.  
(Reason - For the safe and effective operation of the highway, and in the interests of highway safety.)
15. No demolition or construction works shall commence on site until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The principle areas of concern that should be addressed are:
- i) Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
  - ii) Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street
  - iii) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
  - iv) Control of dust, mud and debris. (Note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.)  
(Reason - In the interests of highway safety.)
16. No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.  
(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)
17. Unless otherwise agreed in writing with the Local Planning Authority, no development shall take place until a scheme for the provision of on-site renewable energy to meet 10% or more of the projected energy requirements of

the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

(Reason - To ensure an energy efficient and sustainable development in accordance with Policies NE/1 and NE/3 of the adopted Local Development Framework 2007.)

18. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.  
(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
19. The dwellings, hereby permitted, shall not be occupied until parking for cars, and covered and secure cycle parking has been provided within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.  
(Reason - To ensure the provision of covered and secure cycle parking in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)
20. No buildings shall be occupied until a Travel Plan for both staff and visitors has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.  
(Reason - To reduce car dependency and to promote alternative modes of travel in accordance with Policy TR/3 of the adopted Local Development Framework 2007.)
21. No development shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.  
(Reason - To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
22. Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless otherwise inspected by a suitably qualified ecologist and found not to be providing for nesting birds, or a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority.  
(Reason - To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
23. Site clearance, demolition and ground works should be undertaken in accordance with Recommendation 1 contained within the report "Green End Industrial Estate, Gamlingay (Project 57115) Nocturnal Bat Roost Survey" by MKA Ecology June 2015. Any variation to the recommendation shall be agreed in writing with the Local Planning Authority)  
(Reason – To accord with the aims of Policy NE/6 of the adopted Local Development Framework 2007.)

24. No development shall take place until a scheme for the siting and design of the screened storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage [for each dwelling] shall be completed before that/the dwelling is occupied in accordance with the approved scheme and shall thereafter be retained.  
(Reason - To provide for the screened storage of refuse in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
25. No development including demolition or enabling works shall take place until a Site Waste Management Plan for the demolition and construction phases has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full.  
(Reason - To ensure that waste arising from the development is minimised and that which produced is handled in such a way that maximises opportunities for re-use or recycling in accordance with Policy DP/6 of the adopted Local Framework 2007.)
26. During the period of demolition and construction, no power operated machinery shall be operated on the site, and no construction/demolition dispatches from or deliveries to the site shall take place before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.  
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
27. No development shall commence until a programme of measures to minimise the spread of airborne dust (including the consideration of wheel washing and dust suppression provisions) from the site, during the demolition/construction period, or relevant phase of development, has been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in accordance with the approved details/scheme unless the Local Planning Authority approves the variation of any detail in advance in writing.  
(Reason – To protect the amenities of nearby residential properties in accordance with Policies NE/15 and NE/16 of the adopted Local Development Framework 2007.)
28. No development (including any pre-construction, demolition or enabling works) shall take place until a comprehensive construction programme identifying each phase of the development, and confirming construction activities to be undertaken in each phase and a timetable for their execution submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the approved programme unless any variation has first been agreed in writing with the Local Planning Authority.  
(Reason – To protect the amenities of nearby residential properties in accordance with Policies NE/15 and NE/16 of the adopted Local Development Framework 2007.)
29. Prior to the occupation of any dwelling, an assessment of the noise impact of plant and/or equipment, including any renewable energy provision sources such as any air source heat pump, on the proposed and existing residential premises, and a scheme for insulation as necessary, in order to minimise the level of noise emanating from the site plant or equipment, shall be submitted to and approved



in writing by the Local Planning Authority. Any noise insulation scheme as approved shall be fully implemented before the use hereby permitted is occupied, and shall thereafter be maintained in strict accordance with the approved details and shall not be altered without prior approval.

(Reason – To protect the amenities of nearby residential properties in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

30. Prior to the submission of any application for approval of reserved matters a scheme shall be submitted to the Local Planning Authority, for approval in writing, outlining the measures to be undertaken to ensure that the retained employment buildings within the land edged blue on drawing (*to be confirmed*), are maintained fit for purpose, and detailing a current and future marketing strategy for these buildings. The scheme shall be implemented as approved.

(Reason – To ensure that the development promotes and secures an mixed use development in accordance with the proposed allocation H1(f) in the Draft Local Plan 2013, and to ensure a sustainable development as required by Policy DP/1 of the adopted Local Development Framework 2007 and the NPPF.)

31. Following the first occupation of any of the dwellings, hereby permitted, no building within the land edged blue on drawing (*to be confirmed*) shall be used for any purpose with Class B2 of the Town and Country (Use Classes Order) 1987 (as amended), outside the hours of 07.00 to 19.00 Monday to Friday, 07.00 to 14.00 on Saturdays, with no working on Sundays or Bank Holidays.

(Reason - To protect the amenities of nearby residential properties in accordance with Policy NE/15 of the adopted Local Development Framework 2007.) )

32. None of the dwellings, hereby permitted, shall be occupied until a scheme for the improvements to existing pedestrian access in Church Street/Mill Street has been carried out in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority.

(Reason – In the interests of promoting safe pedestrian access from the site to key facilities in the village in accordance with the aims of Policy DP/1 of the adopted Local Development Framework 2007 and the NPPF.)

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