

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 July 2016

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

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<b>Application Number:</b>	S/2830/15/OL
<b>Parish(es):</b>	Balsham
<b>Proposal:</b>	Outline application for residential development and details of means of access
<b>Site address:</b>	Land at 22 Linton Road, Balsham, CB21 4HA
<b>Applicant(s):</b>	Endurance Estates Strategic Land 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 housing land supply, the principles of sustainable development, scale of development and impact on townscape and landscape character, drainage issues, services and facilities, access and transport and ecology.
<b>Committee Site Visit:</b>	5 <sup>th</sup> July 2016
<b>Departure Application:</b>	Yes
<b>Presenting Officer:</b>	James Platt, Senior Planning Officer
<b>Application brought to Committee because:</b>	The application proposal raises considerations of wider than local interest.
<b>Date by which decision due:</b>	Extension of time requested until 8 <sup>th</sup> July 2016

### Executive Summary

1. This proposal seeks outline permission (access only for approval) for a residential development of up to 29 dwellings on a greenfield site within the countryside, outside the designated Development Framework of a Group village as identified in the adopted and emerging plans. The development would not normally be considered acceptable in principle when set against current adopted policy as a result of its scale and location. It is recognised that the district does not currently have a 5 year housing land supply, and therefore the relevant adopted LDF policies in relation to the supply of housing are considered not up to date for the purposes of the NPPF.
2. However, the local planning authority must still determine the appropriate weight to apply to relevant development plan policies even where out of date. In this instance whilst Policies ST/6 and DP/7 of the adopted Core Strategy and adopted

Development Control Policies which influence the supply of housing land, are considered out of date, they continue to perform a material planning objective, consistent with the policies of the NPPF, in forming part of a suite of policies to control the distribution and scale of new housing by ensuring that development is sustainably located and unsustainable locations are avoided. The Policies thereby are afforded considerable weight.

3. Paragraph 14 of 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. It is considered that Balsham is not a sustainable location for the scale of development proposed, having regard to the level of services and facilities in the village and the accessibility to necessary services and facilities by sustainable modes of transport.
4. In this case, the location and scale of the development are such that officers are of the view that the harm arising from the unsustainable location, significantly and demonstrably outweighs the benefits of the proposal. These include a contribution of up to 29 dwellings towards the required housing land supply, and provision of 40% affordable dwellings (12 units).

### **Planning History**

5. SC/0582/72/O – Residential Development - Refused  
SC/1070/73/O – Erection of One Farmworkers Dwelling – Approved  
SC/1343/73/D – Erection of One Farm Workers Dwelling - Approved

### **Planning Policies**

6. The following paragraphs are a list of documents and policies that may be relevant in the determination of this application. Consideration of whether any of these are considered out of date in light of the Council not currently being able to demonstrate that it has an up to date five year housing land supply, and the weight that might still be given to those policies, is addressed later in the report.
7. *National Planning Policy Framework*  
*Planning Practice Guidance*
8. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007*  
ST/2 Housing Provision  
ST/6 Group Villages
9. *South Cambridgeshire LDF Development Control Policies, adopted July 2007*  
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/10 Outdoor Play space, 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
- TR/1 Planning for More Sustainable Travel
- TR/2 Car and Cycle Parking Standards
- TR/3 Mitigating Travel Impact
- TR/4 – Non-motorised Transport

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

- Open Space in New Developments SPD - Adopted January 2009
- Affordable Housing SPD - Adopted March 2010
- 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

11. *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
- 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/I Parking provision

## Consultations

12. Balsham Parish Council - Raises no objection, however makes the following comments:-
  - The density of the houses should be reduced and the layout should be amended to the higher density of properties to be further away from the Cambridge Road properties.
  - Concerns about the drainage and the ongoing maintenance of the on-site drainage and sewage capacity.
  - The maintenance of the play area and ditches to be set out in a legal agreement for perpetuity.
  - All properties should be no more than two-storeys high
  - Non-return value must be put on the properties to protect No 10 Cambridge Road
  - Traffic calming is required on Linton Road in the form of a chicane to physically slow
13. Affordable Housing Officer - Comments that the application of 40% affordable housing applies to the net increase in dwellings. The tenure split for the affordable properties should be 70/30. Therefore 70% of these should be rented and 30% should be provided as intermediate/shared ownership. The highest demand for housing is for 1 and 2 bedroom properties, this is reflective of most of the villages in South Cambridgeshire. The applicants have proposed a mix of 1 and 2 bedroom dwellings this is in line with the housing need. A registered provider should be appointed to take forward the affordable housing.
14. Urban Design Officer – Raises no objection to the principle of housing on this site, it is immediately adjacent to the village framework, and relatively well screened from the open fields to the south by a relatively mature hedge. The number of dwellings (29) / density appears acceptable given this edge of village location, and the mix of house types is encouraged. Raises the following concerns:
  - Lack of permeability to the west of the site
  - Parking arrangements
  - Amount of hard landscaping around the central 'T' junction
  - Houses should address the LAP

There are some strong ideas emerging in respect of developing a contemporary response to the village vernacular, and this should not be lost at reserved matters stage.
15. Ecology Officer – Raises no objection to the proposal.
16. Landscape Officer – Raises no objection to the proposal. Comments that the site is situated to the south west of Balsham. It is a rectangular open field used for grazing and hay. It is located between Hildersham Road and Linton Road. The site contains an overhead power line running parallel with the existing southern tree belt boundary. On the eastern and western boundary are native hedgerows and ditches. To the north the site borders residential dwellings and their plot boundaries (a mixture of hedgerows and c/b fencing) located on Cambridge Road. The site is not within the Conservation Area or Green Belt. There are no Public Rights of Way running through or immediately adjacent to the site boundaries. There are also no TPO's within or adjacent to the site. The features that will be introduced include 29 new dwellings, introduction of structural planting and landscaping, informal public open space, surface water flood mitigation and attenuation, vehicular access point from Linton Road and retention of some boundary hedgerows. The site is relatively enclosed and I

welcome the retention of the tree belt and hedgerows. However, the applicant has indicated the removal of the existing hedgerow to the east of the site. This is an important landscape and habitat feature and should be retained along the road frontage.

17. Tree Officer - Raises no objection to the proposal subject to the imposition of a condition regarding an updated arboricultural report at reserved matters stage.
18. Local Highways Authority – Raises no objection to the proposal subject to the imposition of conditions regarding a traffic management plan and levels of access road.
19. Cambridgeshire County Council Historic Environment Team – Raises no objection to the proposal subject to the imposition of a condition regarding a programme of archaeological investigation.
20. Environment Agency – Raises no objection to the proposal.
21. Anglian Water – Raises no objection to the proposal.
22. Cambridgeshire County Council Flood and Water Team – Raises no objection to the proposal subject to the imposition of conditions regarding restriction in run-off and surface water storage and details of long term maintenance arrangements for any parts of the surface water drainage system which will not be adopted.
23. Drainage Manager – Raises no objection to the proposal subject to the imposition of a condition regarding details of the surface water drainage system.
24. Environmental Health Officer and Health & Environmental Services – Raises no objection to the proposal subject to the imposition of conditions regarding hours of construction work, pile foundations, airborne dust, a construction programme, a lighting scheme, a desk study and site walkover and a noise assessment of plant and or equipment.
25. Cambridgeshire County Council Education, Waste & LLL S106 Requirements – No financial contributions required.
26. Section 106 Officer - Comments that contributions are required towards off-site open space, community facilities, burials and monitoring to ensure that the development is acceptable in planning terms. A meeting has been held with Balsham Parish Council to identify projects and details and costings have been submitted.

### **Representations**

27. Eight letters of representation have been received from third parties, with 7 of those objecting to the proposal on the following grounds;
  - Highways safety concerns
  - Contribute to on street parking issues
  - Existing infrastructure has no capacity
  - Drainage and flooding
  - Harm to the character and appearance of the village
  - Archaeological value of the area
  - Light pollution
  - Alternative brownfield sites available

- Loss of privacy
- Noise disturbance

### **Site**

28. The site is within the countryside, adjacent and opposite the Balsham Development Framework. It is comprised of approximately 1.83 hectares of land positioned between Hildersham Road and Linton Road towards the western side of the village, consisting of a single dwelling forming 22 Linton Road, encompassed by a paddock. The site is bounded by agricultural land to the south, the highway to the east and west and residential properties to the north. Further residential development is located opposite, on the eastern side of Linton Road, forming Queens Close.
29. There are existing hedgerows and trees on all boundaries of the site, with an award ditch along the eastern boundary. There is an existing field access to the site from Hildersham Road in the south west corner.
30. District Design Guide SPD Adopted March 2010 has assessed the site area as 'The Chalk lands'. Key characteristics of this designation include rolling chalk hills and gently undulating plateau. The site itself however is of a flatter topography with a slight incline towards the north.

### **Proposal**

31. The proposal seeks outline planning permission for the residential development of Land at 22 Linton Road for up to 29 dwellings and details of vehicular access from Linton Road. The existing dwelling at 22 Linton Road is to be retained, providing a residential unit total of 30 dwellings. The appearance, landscaping, layout and scale remain reserved. Affordable housing is to be provided at 40% of the total proposed units and is comprised of tenure of 70% social rented and 30% intermediate/shared ownership.

### **Planning Assessment**

#### *Housing Land Supply*

32. The National Planning Policy Framework (2012) (NPPF) requires local planning authorities to boost significantly the supply of housing, to achieve this a five-year housing land supply with an additional buffer, as set out in paragraph 47, should be identified and maintained.
33. The local planning authority accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 3.9 year supply using the methodology identified by the Inspector in the Waterbeach appeals in 2014. This shortfall is based on an objectively assessed housing need of 19,500 homes for the period 2011 to 2031 (as identified in the Strategic Housing Market Assessment 2013 and updated by the latest update undertaken for the Council in November 2015 as part of the evidence responding to the Local Plan Inspectors' preliminary conclusions) and latest assessment of housing delivery (in the housing trajectory November 2015). In these circumstances any adopted or emerging policy which can be considered to restrict the supply of housing land is considered 'out of date' in respect of paragraph 49 of the NPPF.
34. Further guidance as to which policies should be considered as 'relevant policies for the supply of housing' emerged from a recent Court of Appeal decision (Richborough

v Cheshire East and Suffolk Coastal DC v Hopkins Homes). The Court defined 'relevant policies for the supply of housing' widely so not to be restricted to '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,' but also to include, 'plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed.' Therefore all policies which have the potential to restrict or affect housing supply may be considered out of date in respect of the NPPF.

35. However, the Court of Appeal has confirmed that even where policies are considered 'out of date' for the purposes of NPPF paragraph 49, a decision maker is required to consider what (if any) weight should attach to such relevant policies.
36. In the case of this application policies which must be considered as potentially influencing the supply of housing land include ST/2 and ST/6 of the adopted Core Strategy and adopted policies DP/7 and NE/17 of the adopted Development Control Policies. Policies S/7, S/8, S/10 and NH/3 of the draft Local Plan are also material considerations but are also considered to be relevant (draft) policies for the supply of housing.
37. 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 for instance).
38. Whilst paragraph 2. of Policy ST/6 of the adopted Core Strategy, permits some residential development within the village framework and the site is located outside, given the adjacency of the site to the village framework, the site is relatable to the village geographically and in its dependency upon services/facilities. ST/6 also forms part of a suite of policies, which operate to direct new development to settlements which have an appropriate level of services to meet the requirements of new residents. As such, it is considered that ST/6, which reflects the relatively limited level of service at group villages to serve residential development, is material to development both within the village framework and development which proposed as a residential extension to that village framework, as proposed here.

*Principle of development*

39. The site is located in the countryside, outside the Balsham Development Framework, although adjacent to and opposite on its northern and eastern boundaries respectively, 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 29 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 as set out above.
40. It falls to the local planning authority as decision maker to assess the weight, if any, that should be given to the existing policies. The Council considers this assessment should, in the present application, have regard to factors including whether the policies continue to perform a material planning objective and whether it is consistent

with the policies of the NPPF. Balsham is identified as a Group Village under Policy ST/6 of the LDF and Policy S/8 of the Draft Local Plan, one of four categories of rural settlements. The rural settlements, in terms of preference for housing provision, are placed behind the edge of Cambridge and new town of Northstowe. Group Villages are less sustainable settlements than Rural Centres and Minor Rural Centres, having fewer services and facilities and allowing only some of the day-to-day needs of residents to be met without the need to travel outside the village. As noted under paragraphs 66-73, Balsham has only relatively limited facilities and services, with no secondary school, and limited easily accessible public transport services.

41. 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. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting the scale of development in less sustainable rural settlements with a limited range of services to meet the needs of new residents in a sustainable manner. In this case the proposal to develop a scheme for up to 29 dwellings is not considered sustainable due to the relatively low level of services and facilities in the village (see paras 66 – 76). Therefore existing Policies ST/6 and DP/7 which form part of a suite of policies to control the distribution and scale of new housing can be afforded considerable weight since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided. When set against the NPPF the proposal also therefore fails as it cannot be considered to be a sustainable location capable of supporting a development of this size. These facts therefore outweigh the need for additional housing land in this instance.
42. The Local Plan Village Classification Report June 2012, informed by the Village Services and Facilities Study, reviewed the settlement hierarchy in the adopted Core Strategy 2007, and as part of this considered where individual villages should sit within the hierarchy. The NPPF requires that 'planning policies and decisions should actively manage patterns of growth to make fullest use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.'
43. Whilst the village of Balsham was not referenced specifically within the Report, the document did however provide criteria used in the assessment of the sustainability of settlements within the district. These were public transport, secondary education, village services and facilities, and employment. Furthermore the Report concluded that Balsham did not merit consideration for a higher status within the settlement hierarchy, remaining as classified as a Group Village.
44. A representation received comments on the site not being considered appropriate for development during the draft Local Plan process. The field was received during the call for sites and tested in the SHLAA, which concluded that it had no development potential.

#### *Deliverability*

45. There are no known technical constraints to the site's delivery. Officers are therefore of the view 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.

#### *Sustainability of development*



46. 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.
47. Policy DP/1 of the adopted Local Development Framework and Policy S/3 of the Draft Local Plan set out the principle of sustainable development. Although in respect of DP/1 1a. the policy relates to the supply of housing, in that it refers to the sequential approach to development, and therefore in this respect can be considered out of date; the remainder of the objectives of the policy are consistent with the aims of the NPPF in promoting sustainable development. Officers are therefore of the view that this policy can be given significant weight in the determination of this application.

Economic.

48. The provision of 29 new dwellings will give rise to employment during the construction phase of the development, and has the potential to result in an increase in the use of local services and facilities, both of which will be of benefit to the local economy.

Social.

*Provision of new housing*

49. The development would provide a clear benefit in helping to meet the current housing shortfall in South Cambridgeshire through delivering up to 29 residential dwellings. 40% of these units will be affordable (12 units). The applicant indicates that the mix of housing will be in accordance 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 29 houses, including the affordable dwellings, is a benefit and significant weight should be attributed this in the decision making process.
50. Public open space is shown on the indicative layout plan, and this will need to be secured through a Section 106 agreement, along with off-site and maintenance contributions where appropriate. It will be mainly utilised by occupiers of the proposed development, and is not likely to become used by the wider population of the village, given its location at the edge of the village.
51. Paragraph 7 of the NPPF states that the social dimension of sustainable development includes the creation of a high quality built environment with accessible local services. The Urban Design Officer has raised no objection about the proposed development of the site for 29 dwellings, in terms of the resultant form of development.
52. The matter of the sustainability of the site in terms of access to local services is discussed further below.

Environmental.

53. *Impact on character of the village and landscape*

The application proposes new housing at a density of approximately 16 dwellings per hectare (dph). Policy HG/1 requires new developments to make best use of the site by achieving average net densities of at least 30 dph unless there are exceptional local circumstances that require a different treatment. Policy H/7 of the Draft Local Plan confirms that density requirement, but states that it may vary on a site where justified by the character of the locality, the scale of the development or other local circumstances.

54. Both Policy HG/1 and H/7 are considered to be policies that relate to the supply of housing, and are therefore to be considered as being out of date. However, one the aims of the policy is to the need to respond to local character, which is supported by the aims of the NPPF as identified below, and Policies DP/2 and DP/3 of the adopted LDF. Policies DP/2 and DP/3 are not considered to be housing supply policies and are not therefore considered to be out of date. Officers are of the view that considerable weight can therefore be given to Policy HG/1 and H/7 where the proposed density of a particular development compromises local character and the aims of paragraph 58 of the NPPF which states that it should be ensured that developments respond to local character, and history, and reflect the identity of local surroundings and materials.
55. 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.
- 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.
56. The site is subject to residential development, albeit a single dwelling, whilst being bounded by residential development to the north and opposite at Queens Close. Furthermore, the site is subject to extensive hedging to the southern and western boundaries. The presence of existing and surrounding residential properties and extensive planting, combined with the appearance of the paddock land opposed to the open agricultural fields to the south, means the site does not read as part of the wider countryside.
57. The built form within the locality is somewhat varied, with linear development bounding the site to the north, whilst a cul-de-sac development at Queens Close is positioned opposite on Linton Road. The presence of two storey development is however consistent.
58. The Urban Design and Landscape Team raised no objection to the proposal, noting the screened nature of the site.
59. Officers are of the view that the illustrative scheme demonstrates that the site is capable of providing the proposed number of dwellings, having regard to the constraints of the site, and in manner which would not materially detract from the rural character of the area or setting of the village, in accordance with the aims of Policies DP/2 and DP/3.

*Residential amenity*

60. The application is in outline only and therefore the layout plan submitted is for illustrative purposes only. However, officers need to be satisfied at this stage that the site is capable of accommodating the amount of development proposed, without having a detrimental impact on the residential amenity of occupiers of adjacent properties.
61. The submitted drawings demonstrate that the site could accommodate the amount of development proposed without having an unreasonable impact on residential amenity through overlooking or overbearing impact. In accordance with the relevant amenity criteria of policy DP/3 of the Local Development Framework

### *Services and Facilities*

62. 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.
63. An appeal against the refusal of planning permission for the erection of 26 dwellings on a site at 7 Station Road Over was dismissed in February 2013 (S/0440/12/FL). In dismissing the appeal the Inspector identified 3 key areas where he considered Over being deficient in terms of meeting the requirements for a sustainable location, those being; sources of employment in the vicinity; the nearest secondary school; and services fulfilling anything other than the most basic shopping trips. These requirements and the criteria outlined within The Local Plan Village Classification Report June 2012 (see para 42 - 43) have informed the assessment of whether Balsham is a sustainable location.
64. Balsham village is served by relatively few services and facilities but includes a village hall, church, primary school, recreation ground, butchers (currently closed and for sale), post office/village stores, two pubs and small number of shopping/retail services, consisting of a kitchen interiors shop, antique pine shop and a dairy. There are very limited employment opportunities within the village.
65. This relative lack of services and employment opportunities is reflected in Balsham being designated a 'Group Village' in 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.
66. Whilst the village is served by some community and social facilities, it is deficient in its function to provide significant sources of employment, secondary education and services to fulfil other than the most basic shopping trip. As such, journeys out of the village would be a regular necessity for the majority of residents in order to access many day-to-day services.
67. The nearest settlement that would offer services and social facilities, including sources of employment and secondary education, to possibly meet day-to-day needs would be the Minor Rural Centre of Linton, located approximately 3 miles to the south.
68. The proposal site is located approximately 3.5 miles from Linton Village College Secondary School. A school bus service connects Balsham to the college.
69. The applicant has drawn particular attention to the presence of Granta Park and its role in providing employment opportunities. The Park is some distance from the site, situated approximately 5.5 miles to the west.
70. There is a bus stop on the High Street, approximately 300m from the site. A service connects Balsham to the Minor Rural Centre of Linton and larger market town of Haverhill in Suffolk and operates hourly between 7:12am and 9:12 am and twice hourly thereafter until 17:12pm, Monday – Friday. The service does not operate at weekends. Alternative bus routes serving Balsham include a connection to the City of Cambridge, operating once daily Monday –Saturday and the town of Newmarket,

operating once daily Monday- Friday.

71. It is noted that the High Street is subject to a public footpath and street lights, connecting to Linton Road. The provision of the public footpath to the front of the proposal site, which forms part of this proposal, would connect the site to the bus stop but also to services in the village.
72. In the absence of a footpath for pedestrian or cycle use and the distance to settlements that meet those functions as outlined above, the nearest being Linton, and employment opportunities, including Granta Park, there is little potential for journeys by bicycle or by foot. Whilst the bus stop is within a convenient distance and accessible given the public footpath and street lighting, the choice of routes and frequency are limited, whilst the journey times to the larger settlements of Haverhill (39 minutes), Cambridge (38 minutes) and Newmarket (36 minutes) are extended. Furthermore, 2011 Census data regarding modes of transport to work indicate a reliance on private vehicles, with 80.1% of the working population traveling by car or van. Given the above, alternative means of transport to private vehicles would not provide a sufficiently attractive or convenient option for residents.
73. Whilst Balsham is subject to a school bus service to Linton, providing some offering to students opposed to private vehicular transport, the limited potential for journeys by bicycle or by foot, as identified above, remains relevant.
74. In conclusion, the proposal site is an unsustainable location for the scale of housing proposed, conflicting with the aims of the NPPF, failing to meet the environmental role of sustainable development and the aims of Policies DP/1, DP/7 and ST/6 of the adopted Local Development Framework 2007. As such, the harm resulting from the unsustainable location is significant and demonstrably outweighs the benefits of the proposal.

#### *Access and Transport*

75. The Highways Authority raises no objection to the proposal subject to the imposition of conditions regarding construction of the proposed drive and submission of a traffic management plan. The proposal is thereby acceptable in this regard.
76. A footpath is provided from the proposed access to join up with the existing footpath which currently ends just south of the junction onto Cambridge Road/High Street. This can be secured by condition.

#### *Surface water drainage*

The site lies in Flood Zone 1.

77. The Lead Local Flood Authority raises no objection to the proposal, subject to the imposition of conditions regarding restriction in run-off and surface water storage and details of long term maintenance arrangements for any parts of the surface water drainage system which will not be adopted.
78. The Council's Drainage Manager raises no objection to the proposal, subject to the imposition of a condition requiring details of the surface water drainage system. The proposal is thereby acceptable in this regard.

#### *Foul water drainage*

79. Anglian Water raises no objection to the proposal, stating there is capacity for Wastewater Treatment and Foul Sewerage. The proposal is thereby acceptable in this regard.

*Heritage Assets*

80. The Historic Environment Team raises no objection to the proposal, subject to the imposition of a condition regarding a programme of archaeological investigation. The proposal is thereby acceptable in this regard.

*Ecology*

81. The Ecology Officer raises no objection to the proposal. The proposal is thereby acceptable in this regard.

*Renewable Energy*

82. The applicant has indicated that the scheme will have regard for Policy NE/3 and the requirement of renewable technologies, but has stated that this can only be resolved at the detailed stage as further design and layout information becomes available.
83. 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.

*Protecting High Quality Agricultural Land*

84. The site is classified as Grade 2 agricultural land. Policy NE/17 states that planning permission should not be granted or development that would result in its irreversible loss, unless the land is allocated for development, or sustainability considerations and the need for development are sufficient to override the need to protect the agricultural value of the land.
85. Policy NE/17 is considered to be a policy that restricts the supply of housing, and is therefore considered out of date. Officers are of the view that due to the limited size of the site, which does not form part of a larger area of agricultural land, means that the loss for agricultural use is not significant, and there very little weight can be given to Policy NE/17 in this case.

*Planning Obligations*

86. From 6 April 2015, the use of 'pooled' contributions toward infrastructure projects has been restricted. Previously, LPAs had been able to combine planning obligation contributions towards a single item or infrastructure 'pot'. However, under the Community Infrastructure Levy Regulation 123(3), LPAs are longer be able to pool more than five planning obligations together if they were entered into since 6 April 2010, and if it is for a type of infrastructure that is capable of being funded by the CIL. These restrictions apply even where an LPA does not yet have a CIL charging schedule in place.
87. The Council can confirm that there have been 5 Section 106 agreements in respect of developments in the village of Balsham since 6 April 2010 contributing towards (i) offsite open space and (ii) offsite indoor community space improvements. As such the CIL Regulations prevent the LPA from lawfully securing further tariff style contributions towards unidentified offsite open space improvements in accordance with

development control policies and the open space in new development SPD.

88. The LPA recognises that the Planning Practice Guidance requires that 'In all cases, including where tariff style charges are sought, the local planning authority must ensure that the obligation meets the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind'. It goes on to say that 'Planning obligations must be fully justified and evidenced' and as such the LPA take the view that a project should be identified in order to ensure CIL compliance.
89. Appendix 1 provides details of the developer contribution required to make the development acceptable in planning terms in accordance with Policy DP/4 of the LDF and paragraph 204 of the NPPF.

#### *Other Matters*

90. The officer's recommendation, as published for the purposes of the June 2016 Planning Committee, was subject to challenge from the applicants Endurance Estates Strategic Land Ltd. A note of advice produced by Rupert Warren Q.C on behalf of the applicants, in response to the officer's committee report, was submitted to the Local Authority on the 31<sup>st</sup> May 2016.
91. The note refers particularly to recent appeal decisions within the district at Foxton (APPW0530/W/15/3084325) and Swavesey (APP/W0530/W/15/3139078) and the relevancy of these decisions in the determination of this application.
92. The Foxton appeal decision related to an application for outline planning permission for up to 95 dwellings (reduced to 75) at Land off Shepreth Road, within the countryside. Foxton is a designated Group Village. The appeal was dismissed with the inspector concluding, due to serious harm to the setting of Foxton House, the proposal does not comprise sustainable development.
93. The Swavesey appeal decision related to an application for outline planning permission for up to 30 dwellings, at 18 Boxworth End, the majority of the site is located within the countryside. Swavesey is designated as a Group Village. The appeal was allowed and planning permission granted, with the inspector concluding that the development would represent sustainable development.
94. The applicant has raised that in both instances limited weight is given to the out of date policies DP/7 and ST/6 and that development of the scale proposed was not considered to result in harm by way of an unsustainable location, comparable to this application given that Swavesey and Foxton are designated similarly as Group Villages within the adopted Core Strategy.
95. The Foxton appeal started on the 31<sup>st</sup> July 2015, with statements due on the 11<sup>th</sup> September 2015 and the inquiry evidence given on the 12<sup>th</sup> January 2016 and held on the 9<sup>th</sup> February 2016. The Swavesey appeal started on the 14<sup>th</sup> December 2015, with final comments due on the 19<sup>th</sup> February 2016.
96. Given those dates of the appeals, as referenced above, it is considered that the applications and appeals pre-date the Court of Appeal decision (Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes) dated 17<sup>th</sup> March 2016. As such the local authority in presenting the statements and inquiry evidence and the inspectors assessment of these particulars, did not benefit from this ruling and in

particular to recognition by the Court of Appeal that out of date housing supply policies can still be given weight- even considerable weight – if they still maintain a planning function. It is considered that policy ST/6 and DP/7 still maintain an important and valid function because they ensure that development is sustainably located and unsustainable locations are avoided. This matter is not addressed or considered in the two appeals. As such, the relevance of those earlier decisions and the desirability in principle of consistency in decision making is outweighed by the fact that this important factor was not addressed or considered in earlier appeal decisions. Following the decision of the Court of Appeal, it is necessary in all cases to consider what weight should be attached to out of date housing supply policies having regard inter alia to whether they still fulfil a planning function.

97. With respect to those appeal sites not being considered unsustainable locations, their individual merits in terms of availability and accessibility of services, public transport links and employment opportunities are not comparable in this instance. Furthermore, each site is assessed on its individual merits.
98. A note of advice, addressing those matters raised by Rupert Warren Q.C on behalf of the applicants, has been prepared by Douglas Edwards Q.C on behalf of the Local Authority, dated 22 June 2016. The note of advice has informed the approach to this recommendation to Planning Committee.
99. Members should be aware that another appeal decision (App/W0530/W/15/3138791) has recently been issued in respect of Duxford, the impact of that appeal decision on this application, will be provided in an update report and will be considered as part of the decision making on this application.

#### Conclusion

100. 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/1 – Sustainable Development
  - DP/7: Village Frameworks
  - HG/1: Density
  - HG/2: Housing Mix
  - NE/1: Biodiversity
  - NE/17: Protecting High Quality Agricultural Land
  - CH/2: Archaeological Sites
101. 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.
102. For the reasons outlined in paragraphs 39 above, officers are of the view that significant weight can be given to Policies ST/6 and DP/7 in this case. Officers have identified in the report the areas where they consider that significant and demonstrable harm will result from proposal, in terms of the unsustainable location for a development of the scale proposed.
103. In coming to this view officers have had regard to the recent Court of Appeal decision in assessing the weight that can be given to housing supply policies that are out of date.

104. These adverse impacts must be weighed against the potential benefits of the development outlined in the preceding section of this report.
105. 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. Although the development would provide a larger number of dwellings to meet the identified shortfall in supply and this is a benefit, this increase would equally compound the concerns that Balsham is not a sustainable location for the scale of development proposed.
106. Planning permission should therefore on balance be refused because material considerations do not clearly outweigh the substantial harm identified, and conflict with out of date policies of the LDF. Officers have outlined in paragraphs 41 why Policies ST/6 and DP/7 should still be given significant weight in this case.

#### Recommendation

107. Officers recommend that the Planning Committee should refuse the proposal for the following reasons.
108.
  1. Balsham is identified as a Group Village in the Adopted Core Strategy DPD 2007, where Policy ST/6 states that development is normally restricted to groups of a maximum scheme size of 8 dwellings within the village framework. The proposed site is outside the village framework of Balsham where DP/7 of the adopted Development Control Policies DPD development restricts development to uses which need to be located in the countryside. The Council recognises that the aforementioned policies are currently considered out of date, and that the application therefore needs to be determined in accordance with paragraph 14 of the National Planning Policy Framework, with the presumption in favour of sustainable development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, the Council is of the view that considerable weight can be given to Policies ST/6 as it continues to fulfil a planning objective in and is consistent with the NPPF presumption in favour of sustainable development, by limiting the scale of development in less sustainable rural settlements with a limited range of services to meet the needs of new residents in a sustainable manner. Some weight can also be given to Policy DP/7 as it continues to fulfil a planning objective of limiting development, and is also consistent with the NPPF presumption in favour of sustainable development. The Council also recognises that Policy DP/1 is out of date in so far as DP/1 1a. relates to the supply of housing, however in all other respects the Council is of the view that Policy DP/1 is consistent with the aims of the NPPF in respect of the presumption in favour of sustainable development, and therefore significant weight can be given to Policy DP/1 as it continues to fulfil a planning objective consistent with the NPPF.

In this case the scale of the development proposed is not considered to represent a sustainable form of development as Balsham. Although some local community and social facilities are available, the services in Balsham have been found deficient in three areas, which are likely to generate regular journeys. These are the lack of significant sources of employment in the vicinity, the nearest secondary school being Linton Village College, and that anything other than the most basic shopping trip not being able to be fulfilled within the village. As such, journeys out of the village would be a regular



necessity for the majority of residents in order to access many day-to day services. Furthermore, due to the absence of a public footpath and poor public transport links to those settlements that would meet those everyday needs as identified above, alternative means of transport to private vehicles would not provide a sufficiently attractive or convenient option to future residents. On this basis the proposal is considered to materially and demonstrably conflict with the aims of the NPPF as it fails to meet the environmental role of sustainable development and Policies DP/1, DP/7 and ST/6 of the adopted Local Development Framework 2007, which are all policies which are considered to continue to fulfil a planning objective in terms of securing development is located sustainably. Any benefits arising from the development are considered to be significantly and demonstrably outweighed by the identified harm.

#### Background Papers:

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 Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Planning File Ref: S/2830/15/OL

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