

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

06 July 2016

AUTHOR/S: Planning and New Communities Director

Application Number: S/3190/15/OL

Parish(es): Orwell

Proposal: Outline planning application for up to 49 dwellings, community car park and coach drop-off facility, pumping station and associated infrastructure.

Site address: Land at Hurdleditch Road, Orwell

Applicant(s): K B Tebbit and Davidsons Development

Recommendation: Refusal

Key material considerations: 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, heritage assets and ecology.

Committee Site Visit: 31 May 2016

Departure Application: Yes

Presenting Officer: Rebecca Ward, Senior Planning Officer

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

Date by which decision due: 27 June 2016

Executive Summary

1. This proposal, seeks outline permission (access only for approval) for a residential development of up to 49 dwellings outside the framework of a Group village and in the countryside on a greenfield site 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 adopted LDF policies in relation to the supply of housing are considered not up to date for the purposes of the National Planning Policy Framework (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apply to relevant development plan policies even where out of date. 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14 of the NPPF states there is a presumption in favour of sustainable development, and where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when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 Orwell 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.

3. While policies ST/6 and DP/7 of the adopted Core Strategy and adopted Development Control Policies DPDs in particular are considered out of date having regard to the NPPF, 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.
4. In addition officers are of the view that the application site, which forms an important gateway and approach into the village of Orwell, is not capable of accommodating a development of this scale without being detrimental to the character and appearance of the area and thus being harmful to the intrinsic character and beauty of the countryside which is contrary to the core planning principle set out in paragraph 17 of the framework.
5. In this case, the location and scale of the development are such that officers are of the view that the harm resulting arising from the unsustainable location and harm to the rural character of the area, significantly and demonstrably outweighs the benefits of the proposal. These include a contribution of up to 49 dwellings towards the required housing land supply, the provision of 40% affordable dwellings, open space and the proposed coach and car park facility. The agents and applicants have also demonstrated their willingness to provide a parcel of land adjacent to the application site (but within the blue line location plan) for recreational use.

Site

6. The site comprises 3.03ha of arable farmland on the south west side of Orwell, north of Hurdleditch Road and south of the A603. To the south east, the site adjoins a private dirt track, beyond which are Petersfield Primary School and the existing recreation ground. There is also a new affordable housing development on the opposite side of Hurdleditch Road, 'The Oaklands'. To the north and east are undeveloped fields/meadows.
7. Hurdleditch Road is a part of a wider cycle network that links onto the Wimpole Estate. The road is aligned by an avenue of small trees with views across the site of the Grade I Listed Church at the top of Town Green Road, beyond which is the Chalk Pits which are designated as a SSSI (Site of Special Scientific Interest).

8. There are existing hedgerows and trees on two boundaries of the site, with a ditch along the north eastern boundary. The immediate area surrounding the ditch is designated by the Environment Agency as a Flood Zone 2/3. There is an existing field access to the site from Hurdleditch Road in the southeast corner.

Proposal

9. The outline application, with all matters reserved with the exception of access, proposes development of the site by up to 49 dwellings with associated access, infrastructure, coach pick-up and drop-off point and open space. The application proposes 40% affordable housing (up to 20 dwellings). The agent and applicants have also indicated their willingness to provide recreational space to the side of site.
10. Vehicular access would be from Hurdleditch Road via a new access, along with a secondary access for the coach pick-up/drop-off facility. Approval of access is sought in this outline application.
11. The applicants have formally withdrawn the amended Masterplan (Ref CAM1060_003 SHEET NO: 3 REV: J) and Transport Statement (April 2016) submitted on Monday 25 April. Accordingly, they have re-submitted/reverted back to the original Masterplan and an updated Transport Statement 2016. The application also includes a Planning Statement, Design and Access Statement, Agricultural Land Assessment, Landscape and Visual Assessment, Geo-technical desk study, Transport Statement, Travel Plan, Ecological Report, Flood Risk Assessment, Arboricultural Impact and Draft Tree Protection Plan, Health Impact Assessment, Heritage Desk Based Assessment, Ecology Assessments, Utility Feasibility Report, RECAP waste design toolkit, Statement of Community Involvement, and Archaeological Desk Based Assessment.

12. **Planning History**

S/0928/88/O - 12 Houses - Refused (26 July 1988) for the following reasons:

1. Outside the physical framework of the settlement and is for that reason contrary to the settlement policy of the structure plan
2. The scale of the site is such and the number of units proposed, 12, is such that even were it within the framework it would be in excess of that appropriate to Orwell in the approved structure plan
3. The sketch layout submitted would result in an unacceptable relationship between some of the dwellings proposed and that of Town Green Road

S/2379/13/FL - Erection of 15 affordable dwellings including associated external works, road and parking (land on the opposite side of the road to this application site) – Approved (30 April 2014) and now built.

Planning Policies

13. 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.
14. **National Planning Policy Framework
Planning Practice Guidance**
15. **South Cambridgeshire Local Development Framework (LDF) Core Strategy,
adopted January 2007
ST/2 Housing Provision**

ST/6 Group Villages

16. **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/6 Public Art and New Development
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
CH/4 Development in 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

17. **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

18. **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/I Parking provision

Consultations

19. **Orwell Parish Council** – Recommends refusal for the following reasons:

It prevents the village Recreation ground from been expanded as is needed. Our established recreation ground is already about 80% smaller than the agreed national standard re the number of homes in the village. Because of the success of the village football team, it has been promoted three times in the last few years; this has resulted in more strenuous sizing of the football pitch. To accommodate the large size in line with Football Association rules the pitch has had to be twisted to fit it on to the recreation ground. This is far from ideal. N.B. As a SHLAA site (No.020) provision was included to extend the Recreation ground into that site.

20. If it proceeds then the village would have to have a second recreation ground, which would require financial resources to establish in the first place and put a life long extra cost which would need to be provided for by the Parish Precept. As of 29 Feb we received notification that the developer was offering land to the west of the development to extend the Parishes Sport area. However the proposal would still leave the village 0.52 Hectares below (28% shortfall) the recommended national standard based on the existing size of the village plus the extra homes if this development is approved. N.B. The land used for the Primary School & the Recreation ground was given to the Parish, in the early 20th Century, solely for Village Facilities and the covenants on that land restrict its use and therefore options which might otherwise be available to the village are not available. For example, to monetise the current recreation ground and use the resultant resources to establish a new recreation ground elsewhere in the village. Therefore, any new recreation facility will require additional funding to establish it and maintain it, whilst at the same time the village will have to maintain the existing recreation facility as a separate and disconnected amenity.
21. It also would prevent the school from expanding. The school is one of the village's key assets and its future is of paramount concern to the Parish Council and many people who live in the village. There is a general consensus that nothing should be done now that would put at risk its future. The school is currently well positioned to become a Primary School Academy in the short to medium time period and if it did become an academy it would require space to expand. This would be less easy to achieve if the proposed development went ahead. If the proposed development did not proceed there would remain the option of the school being able to expand into that site (assuming of course it could be acquired for that purpose) should it need to do so, and

likewise the recreation ground. N.B. The recreation's ground pavilion is not in a position where it could reasonably be expected to service the newly proposed additional recreation space, so a second pavilion would be required on the new space.

22. The development would totally obliterate the view of the village church tower from about 40% of the length of Hurdleditch Road, a point totally omitted from Davidson's lengthy Landscape assessment. NB the church tower is illuminated at night, and night and day it dominates the village and most of its approaches, and to lose this view on the immediate approach to the village would be a serious loss to the village's historic context and visual setting. Further, the view of the recreation ground from Hurdleditch Road would also be lost. The Proposed development has very harsh landscaping on this it's west side which is felt to be sub-optimal. The proposition to erect a life long sign attributing the development to Davidson's is also felt to be in bad taste and further evidence of the lack of sympathy the developers have for the village and the community.
23. In 2015 the village completed an Exception Site of 15 affordable homes and this site is expected to double. There would then be no further village need for rented affordable homes.
24. A development of an area of agricultural land that has flood risks rating of 1-3 is not the wisest action when climate change is causing more and more heavy rainfalls. The management and ownership of the "Attenuation Pond" is yet another additional cost which neither SCDC or OPC could afford nor there is no other practical and sustainable solution.
25. There is also a very serious concern that the extra volume of surface water from this development, even with the "Attenuation Pond". Many residents feel it would be the last straw for the bridge over the brook where it flows under Town Green Road. There have already been a number of occasions when the brook flow has exceeded the bridge capacity. Add to this the safety issue for children, if the brook is more often at capacity, or exceeding capacity, and together with the proposed Attenuation Pond being so close to the village, the risk increases of children getting into difficulty.
26. CPRE letter to Ms R Ward of SCDC Planning dated 26th Feb 2016
27. All the Questionnaires replies, letters and emails from Residents. These are about 82% against the development. Over 34% of the village's 468 households have sent to the Clerk questionnaire replies, letters, and emails. (Over 160 replies). This contradicts very strongly the assessment of Davidson's developments after their open day: If the response they received just criticised the development it was categorised as just a comment, the residents feel this is a misrepresentation.
28. Please study the minutes of the Village Public meeting held on 11 Feb. 2016-02-27. Please study the detailed comment re the application attached.
29. As requested by SCDC attached is our S106 proposals related to this application.
30. Update on amended plans to the school parking: Please see attached Parish Council and Petersfield School comments in Appendices 2 and 3 of this report.
31. **Highways England** – No objections
32. **Cambridgeshire County Council Highways Development Control** - The main

issues raised were as follows:

33. The applicant has failed to provide a drawing showing the required visibility splays. The Highway Authority requests that a plan showing the visibility splays is provided prior to determination of the application.
34. Please could the applicant also confirm who will manage and maintain the proposed car park for the school as it is not a responsibility that the Highway Authority will want to adopt.
35. Please request that the applicant show the tracking for a domestic car and the largest coach that will utilise the car park to demonstrate that such a vehicle may enter and leave the proposed development in a forward gear shall be constructed surfaced and made available for use and shall be retained for that sole purpose.
36. The Highway Authority can confirm that they have severe reservations with regards to connectivity within the site as shown on the indicative masterplan, the Highway Authority has a hierarchy which places pedestrians at the top of that hierarchy and this has not been addressed at all within the submitted drawing. The Highway Authority therefore strongly recommends that the applicant engage with South Cambridgeshire District Councils Urban Design Team and the Highway Authority to progress a more suitable internal arrangement.
37. A list of standard conditions was also imposed covering the following areas:
 - Traffic management plan
 - Access built of a bound material
 - No private surface water run-off
 - Pedestrian visibility splays (2.0mx2.0m)
38. Update: Following the above comments a revision was made on the application dated 28 April 2016 to address concerns raised. The following comments were made on this revision:
39. I can confirm that the visibility splays as shown on drawing number 110637/1001 Rev C are acceptable to the Local Highway Authority.
40. Although the Highway Authority would question the proposed loop as shown on the submitted drawing to facilitate the coach for the school and replacement car parking spaces for the parents /carers collecting pupils from the school.
41. The Highway Authority believes that this design is unacceptable and would suggest that the proposed car/ coach parking area be removed from the proposed scheme which I understand to be indicative only and to formalise the existing layby (length to be determined) to the front of the site. I would also like to highlight that the vehicles parked within the bays numbered 1-20 would require a 6m reversing space and not 5.5m as shown.
42. Update 19 May 2016 : In respect to the proposed access for the car park for the school please see below the suggested wording in relation to the car park which we would request that the implementation of the car park be tied to the school travel plan therefore the car park would need to be required as a part of the school travel plan and not implemented as a matter of course.

Suggested condition wording:

“Please add a condition to any permission that the Planning Authority is minded to

issue with regards to this proposal requiring that the proposed car park shown on drawing numbers..... only be implemented as a specific requirement of the revised Orwell primary School Travel Plan.”

Reason: To prevent unnecessary reliance on the private motor vehicle for traveling to or from school.

43. **Campaign to Protect Rural England (CPRE)** – Raise an objection to the application for the following reasons:
- A proposal of this scale should come forward when a local plan is reviewed. It was noted that this site was rejected at issues and option stage of the 2014 local plan. Reasons for this are in the SHLAA report.
 - Despite the local plan 2014 being suspended for a few months, we regard the plan as emerging local plan and great weight should be given.
 - Orwell is classified as a group village where ‘residential development and redevelopment up to an indicative size of 8 dwellings will be permitted within development frameworks of Group Villages (Policy S/10). The quantity of housing (up to 49) is far in the excess of this number.
 - Although the applicant tries to show there is an overall need for housing in SCDC, the SCDC and CCC have published a report for the local plan inquiry inspector, which justifies their original figures, and have only increased the number by 500. Also the applicant in the Design and Access Statement states that the application (under opportunities, page 21) will meet local housing need.
 - Local Plan Policy S/7 (Development Frameworks) states that development and redevelopment of unallocated land and buildings within development frameworks will be permitted provided, at para.1(c), ‘There is the necessary infrastructure capacity to support the development’. We note that the applicant in the Planning Statement claims (at para.2.5 in Planning Statement) the Orwell possesses a range of shops, services and community facilities. We dispute that there are sufficient shops. There are only two retail outlets – the village stores and post office (incorporating an ATM) and hairdressers.
44. **Cambridgeshire County Council Transport Assessment Team** – Having reviewed the information submitted in support of the application the County Council has requested that additional information is provided, therefore a holding objection is recommended at this stage.
45. The development proposes to remove the layby on the north side of Hurdleditch Road and replace this with a car park to be used for pick up and drop for the primary school, as well as for coach parking for school use. The applicant is asked to explain further regarding the reasoning behind the inclusion of the car parking and coach parking in the proposals.
46. It is noted in para 2.13 that the speed of vehicles on Hurdleditch Road is 42mph. It is noted that the applicant proposes to seek a Traffic Regulation Order (TRO) for the relocation of the 30mph signs, road markings and gate features to the west of the site access. The development is not predicated on whether or not it is possible to relocate the 30mph speed limit; however, the principal of extending the 30mph speed limit to the western boundary of the site is accepted.
47. A travel plan containing the welcome pack for future residents should be included in the TS with any measures identified.

48. The contents of the welcome pack as outlined in para 5.13 are acceptable. Should approval be given a condition should be included for the details of the Travel Plan to be approved by the Local Planning Authority and Cambridgeshire County Council prior to occupation of any dwelling.
49. The vehicle mode share in TRICS assessment is considered to be low, however, as noted in Table 6.1 the assessment has been undertaken for 60 dwellings rather than 49 of the application. The applicant is requested to apply the census mode share to the trip rates and apply this to the modelled flows. This will model a higher flow at the junction of Hurdleditch Road with the A603 and will illustrate the capacity of this junction in a worst-case scenario.
50. It is accepted that most traffic from the development will seek to access the A603 via Hurdleditch Road. The distribution of 63% of traffic turning towards Cambridge has been derived from census data. The applicant is asked to outline the calculation behind this distribution.
51. Some analysis has been undertaken of the collisions at the junction of Hurdleditch Road with the A603 as requested. This will be considered in further detail when the above comments have been resolved.
52. Provisions to extend the footway between the site entrance and the existing footway on the northern side of Hurdleditch Road are acceptable. The below measures are requested to be installed as part of S278 works by the applicant should approval be given, the County Council will comment further on mitigation :
 - Installation of two bus stops in the vicinity of the development.
 - Payment for the advertisement of an extension to the 30mph speed limit on Hurdleditch Road to the western boundary of the site through CCC.
53. Update following the revised Transport Statement (TS) February 2016 produced by Fairhurst : The Transport Assessment Team are content for the holding objection to be removed subject to the following provisions :
 - Condition should be included for the details of the Travel Plan
 - That the applicant funds as part of a S106 agreement the associated costs of advertisement of a Traffic Regulation Order (TRO) for the relocation of the 30mph signs, road markings and gateway features to the west of the site access to a location to be agreed with CCC. Should the advertisement of the TRO not be contested and / or be approved, to relocate the 30mph signs, road markings and gateway feature to the agreed location under works as part of a S278 agreement.
 - Installation of two bus stops in the vicinity of the development. These to have a flag and for the Cambridge bound stop a shelter. This is to reduce the distance to the nearest bus stop and encourage residents to use the bus. Details of the bus stop locations to be submitted and agreed with the Local Highway Authority and Orwell Parish Council and installed as part of S278 works by the applicant. A commuted sum would be required for maintenance of a bus stop shelter and agreed as part of a S106 agreement. Works to be installed prior to occupation of any dwellings.
 - Installation of additional signage, road markings or other minor works at the junction of Hurdleditch Road with A603 to increase the prominence of this junction and reduce the potential for further collisions involving right turning

vehicles into Hurdleditch Road.

- Details of this minor scheme with a cost cap if required to be agreed with the Local Highway Authority and installed as part of S278 works by the applicant. Works to be installed prior to occupation of any dwellings.
 - Should approval be given a condition should be included for the details of the Travel Plan to be approved by the Local Planning Authority and Cambridgeshire County Council prior to occupation of any dwelling.
54. **Anglian Water** – The foul drainage from this development is in the catchment of Foxton Water Recycling Centre, which currently does not have capacity to treat the flows from your development site. Anglian Water are 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 the planning authority grant planning permission.
55. Foul sewerage network:
Development will lead to an unacceptable risk of flooding downstream. However a development impact assessment has been prepared in consultation with Anglian Water to determine a feasible mitigation solution. We will request a condition requiring compliance with the agreed drainage strategy.
56. Requested condition - No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
57. **Lead Local Flood and Water Authority (Cambridgeshire County Council)** – The applicant has demonstrated that surface water can be dealt with on site through the use of an attenuation pond; the pond will provide storage up to and including the 1 in 100 year event (including a 30% allowance for climate change). The applicant has therefore met the minimum requirements of the NPPF.
58. We recommend the following conditions are imposed requiring the following details.
59. ‘The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority and Lead Local Flood Authority (LLFA)’
60. **Environment Agency** – No objection in principle to the proposed development.
61. **SCDC Urban Design** - The application is for an outline application for 49 units, at the edge of Orwell, adjacent to the existing primary school. The density is below that required in our District Design Guide, but that is acceptable on this edge of village location. The perimeter block concept is supported, and the mix of streets/provision of the wider green corridor is welcomed. The site is outside the village framework, and would create a new edge to the village that would be visible from the west and the north.
62. The site is very poorly connected/ integrated into the village, with only one vehicular and pedestrian access point onto Hurdleditch Road. Cul-de-sac development should

be avoided wherever possible. The DAS mentions the potential to create a link over the farm track to the recreation ground and the centre of the village was explored, but that the land falls outside the applicant's control. All efforts should be made to try and create this link to try and at least create an additional pedestrian link to the village amenities to increase permeability.

63. The coach park is too close to the houses, there needs to be some meaningful separation between the two. The LAP is in an isolated location, and needs to be provided with improved natural surveillance. The layout provides a frontage to Hurdleditch Road, but the houses are set back behind a private access road, it would be better if this "double road" arrangement could be designed out to prevent the creation of large areas of hard surfacing close to each other and would not contribute positively to the streetscape. Housing mix needs to be confirmed.
64. Due to the scale of this application, and its sensitive village edge location, this application should be presented to the Design Enabling Panel.
65. **SCDC Landscape Officer** - The features that will be introduced include residential development of up to 49 dwellings, new highways infrastructure and internal road layout, a community car park and coach drop off, pumping station, open space, green infrastructure and area for flood attenuation.
66. Landscape effects - The development site of up to 49 dwellings stretches from Hurdleditch Road to the existing ditch. It is located within an open arable field adjacent to the boundary of the village settlement. It is not an exceptional or a brown field site. The size and scale of the development would be more than 15 dwellings and not conserve the existing settlement character of the group village.
67. The development would create a new village edge outside the Development Framework. The relationship between the village and the surrounding countryside is crucial. Although the applicant has suggested a native hedge line with trees upon the western boundary the proposed dwellings and roof tops would still be visible on the important western approach to the village.
68. The site has rural characteristics within the area. It is a medium sized, open and exposed arable field. There are no existing natural boundaries particularly to the west of the site, again an important approach to the village settlement. Although the applicant has suggested mitigation works the change is likely to result in a significant change in valued character inclusive of the removal of arable farmland and the rural character.
69. Visual effects - I agree with the applicant that the available views to the site from the wider landscape are limited. Views from Toot Hill, located to the north of the site, are also limited due to the trees and woodland running along the existing drainage ditch situated to the north east of the application site. The visual effects are not likely to be significant.
70. I would not support this application because of the unacceptable adverse impact (m) on the countryside and landscape character as per policy DP/3 Development Criteria, Development Control Policies DPD.
71. **SCDC Historic Buildings Officer** - The approach to Orwell along Hurdleditch Road provides good, uninterrupted views of St Andrews Church until the site of the primary school. The view of the church is an important character of Orwell and the appreciation of the heritage asset. The LVIA does not include views towards the

village to the northeast, when approaching from Hurdleditch Road. This will be important to understand the full impact of the proposal on the setting and views of the church and should be included in any subsequent applications. If the outline application is supported, for any development it will be important to retain some views of the church from Hurdleditch Road.

72. **Historic England** - The application should be determined in accordance with national and local planning policy guidance and on the basis of your specialist Conservation advice.
73. **SCDC Tree Officer** – The Tree Officer is generally satisfied that the illustrative layout takes into account the existing trees that are located around three of the four sides of the site boundary. The proposal retains the vast majority of trees and the juxtaposition of trees with dwellings / gardens / amenity areas is suitable. Given proper safeguards the proposal will not result in harmful tree loss or unacceptable nuisance to future occupiers. I would like to be consulted on any substantial changes to this layout.
74. The tree report detail submitted with this outline application is suitable for this type of application however, any forthcoming reserved matters or full application will be expected to provide higher resolution data on tree protection measures within a tree protection plan (it is not possible to scale off the plan submitted with the current arb report). If this application is approved I recommend the addition of a planning condition requiring the submission of a tree protection plan of 1:250 or 1:200.
75. **SCDC Ecology** - No objection is raised to this development on ecology grounds. However, the development has the potential to have indirect impacts upon a number of species if tight constraints are not put in place.
76. Bats – the Eversden and Wimpole Woods Special Area of Conservation (SAC) is less than 2km away and it is reasonable to assume that the barbastelle bats may use features such as the stream as flight paths. The provision of the undeveloped 25m corridor alongside the stream will ensure that a flight path for bats is retained. However, it is absolutely important that this corridor is not lit in any way. IF the applicant needs to put any form of lighting near the stream I will require a full bat activity survey in order to ensure that we do not allow any action that could be detrimental to the colony of bats for which the SAC is designated.
77. Otters and water vole – the survey has identified that a low level of otter and water vole activity exists on the stream just downstream of the site. The provision of the undeveloped 25m corridor alongside the stream will ensure that undisturbed habitat is retained for otters and water voles to continue to use the stream. However, it is absolutely important that this corridor is not lit in any way.
78. White clawed crayfish – the surveys did not find the species in the stream immediately in the vicinity of the development site. However, the stream does support the native crayfish (a globally threatened species) a short distance downstream. The site will be discharging its water to the stream; native crayfish requires very good water quality that is high in dissolved oxygen levels. It is therefore important that no direct discharge of water occurs to the stream where it could result in the delivery of poor water during storm event (especially in the summer when stream levels are low and less able to dilute any discharge). The approach to water discharge must include a suitably designed wetland balancing ponds that ensure that all reasonable effort is undertaken in order to filter out particulates and to ensure that the discharged water is of as high a quality as can be achieved. I would wish to be involved in the design of solutions to this issue, what is the current proposal, is it a standard balancing pond

with an over to the stream?

79. Reptiles – none were found so no specific mitigation is required at present. Although the survey did consider there to be potential for reptiles to colonise the site in the future.
80. Badgers – no setts were found in the area of the development. A low level of activity was recorded to the north of the site but at present they present no constraint to development. If the development is not taken forward in the near future regard should be had to the potential for badgers to colonise the site. The actual layout of the site appears to be quite interesting in so far of the green spaces that it provides will allow a network of trees and shrubs to be planted thus diversifying a landscape that was previously quite open and barren.
81. Conditions should be used to secure:
 - Scheme of ecological enhancement to provide a range of bird and bat boxes.
 - Full details of the means of water attenuation and how it will ensure that any water discharge to the stream is of a high standard.
 - Full details of all external lighting
 - Measures to ensure that badgers do not come to harm during the course of the development
 - Details of protective fencing to be erected to maintain the undeveloped 25m buffer zone adjacent to the stream.
82. **SCDC Affordable Housing Officer** - The proposal is for 49 dwellings on a site that is located outside the development framework of Orwell. Therefore, in accordance with policy H/10 of the Local Plan the development should be treated as an exception to normal planning policy and should only be brought forward as an exception site to meet local housing need and provide 100% affordable housing.
83. However, should this site not be treated as an exception site, then Policy H/9 Affordable Housing would apply, which would mean that 40% of the housing on this site should be affordable. Therefore this requirement would mean that 20 of the properties should be affordable. The district wide tenure split is 70/30 in favour of rented.
84. There are currently approximately 1,600 applicants registered on home link the council's choice based lettings housing register in South Cambridgeshire, of these 26 applicants have a local connection to Orwell. The highest demand for dwellings is for 1 and 2 bedroom accommodation this is both true for South Cambs as a whole and the local need in Orwell. Based on this our preferred mix is:
85. Rented Intermediate/Shared Ownership
8 x 1 beds 3 x 2 beds
6 x 2 beds 3 x 3 beds
86. There is no doubt of the need for good quality affordable housing in South Cambridgeshire. If this site is not treated as an exception site, then it should be available to applicants with a local connection to South Cambs. However, as there is a relatively high local housing need, even after full occupation of the recent BPHA exception site, we could consider priority being given to those with a local connection to Orwell on first lets only, as this has been agreed on sites such as this elsewhere in the district.
87. The properties should be built in accordance with the DCLG National technical

housing and space standards.

88. **SCDC Environmental Health Officer** – Approve, subject to the imposition of the conditions.
89. On balance we have no objection in principle to the proposals, but the following environmental health issues / health determinants need to be considered and effectively controlled in order to protect the quality of life / amenity and health of proposed and existing residential uses / premises and the wider community / environment and which are paramount in facilitating a sustainable high quality development:
90. Noise / Vibration: Whilst existing nearby residential premises will be exposed to construction noise that will be transitory in nature the impact should be considered and controlled by the imposition of conditions, including the following :
- Restriction of construction work to 8am-6pm and 8am-1pm on Saturday
 - In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration.
 - No development shall commence until a programme of measures to minimise the spread of airborne dust
 - 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
 - During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.
 - Condition requiring an artificial lightning scheme
 - Noise mitigation scheme on properties that are adjacent to the coach pick up and drop-off points
91. Health Impact Assessment: As per the Council's Supplementary Planning Document (SPD) on Health Impact Assessment (HIA) I have reviewed the outline application using the HIA Review Package checklist contained in Appendix 3 of the SPD. The outcome of my review is that the HIA as submitted has been assessed as grade A, which the required standard of the HIA SPD policy (Grade A or B is acceptable).
92. Renewable Energy: To meet renewable energy requirements it is concluded that the technologies considered viable for the site are:
- Solar photovoltaic panels
 - Solar hot water heating
 - Ground source heat pumps
 - Air Source Heat Pumps (ASHPs)
93. It is stated that these technologies may be considered in isolation but may also be considered as part of a mix of technologies used on-site. We have no objection to these technologies but if air source heat pumps and or micro-wind turbines are considered then further noise impact assessment and or a noise insulation scheme may be required.
94. In terms of ASHPs the assessment of noise impact can be a grey area. Under The

Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 they may be considered permitted development subject to very specific requirements / conditions.

95. **SCDC Contract Officer (Waste Management Team)** - The developer will be required to purchase all the domestic bins and caddy boxes as part of their s106 planning obligation. This includes both for single houses and communal bin stores at the flats. This is an obligation detailed in the design guide toolkit, page 55, Basis for Conditions and Agreements, Waste Storage Containers and within chapter 4, paragraph 4.8 of the design guide.
96. However it is understood that the draft heads of terms for s106 obligations currently include a financial contribution for the provision of domestic waste storage containers.
97. The council will consult with the developer over their proposals for street furniture, litter bins, dog bins, recycling bins and the use of tree guards and pits. The council will be seeking solutions to enable segregation of waste into public bins. There is standard provision for these items within section 106 obligations and these will be subject to further discussion.
98. **SCDC Air Quality** - I wish to confirm that I have received a copy of the above application, and have considered the implications of the proposals in relation to potential impacts on local air quality. In particular, I have reviewed the Health Impact Assessment (Pegasus Group dated December 2015), submitted in support of the planning application.
99. I have no objection to the proposed development in respect of Air Quality and I do not consider it necessary to require any further air quality impact assessment through planning conditions attached to this planning permission.
100. As this is a moderately large development, for the purpose of ensuring that people within the vicinity of the development are not affected by the negative impact of the construction work such as dust and noise as well as ensuring that the applicant complies with the councils Low Emission Strategy for a development of this magnitude, the following conditions are recommend to be attached to the application should planning permission be granted.
 - Electric Vehicle Charging - Prior to the commencement of works on the development hereby permitted, full details of an electric vehicle charging infrastructure strategy and implementation plan that include details of the number, location, installation and management of the electric vehicle charging points having regard to parking associated with various planning class uses with the provision of electric vehicle cabling infrastructure, to be submitted to and approved in writing by the LPA. The electric vehicle charging points shall be implemented prior to occupation and maintained in accordance with the approved strategy / plan and details.
 - Construction Environmental Management Plan (CEMP)/Dust Management Plan condition
101. **SCDC Contaminated Land Officer** - I wish to confirm that I have received a copy of the above application, in particular Fairhurst's Phase 1 geo environmental and geotechnical report dated August 2015, and have considered the implications of the proposals. The above site is part of former arable land. Whilst contamination is considered to be a low risk, it cannot be ruled out. The report has identified this and

proposes further Phase 2 investigation, with which we agree. Part 'a' of the following condition has been met, and suggestions have been made for Phase 2 investigation across the site. We would also like to see slightly targeted consideration of the ground conditions in proposed garden areas as a site layout has been provided. Therefore I recommend that no development approved by this permission shall be commenced, unless otherwise agreed, until:

a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.

c) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.

d) The works specified in the remediation method statement have been completed, and a Verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.

e) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.

Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007

102. **Archaeology Officer, County Council** - A desk based assessment supported by aerial archaeological evidence has been submitted with this application, the results of which I discussed with the archaeological consultant last year (Cotswold Archaeology report 660504).
103. In view of the distance of known archaeological assets to this site, none of which are designated remains, it is our opinion that evaluation fieldwork would best be conducted post-consent at this site. A trench-based evaluation is required here owing to the proximity of Roman settlement features at Hoback Farm and Iron Age occupation evidence in the village (HER ref MCB20117) and more extensively at Cracknow Hill and in the wider Barrington landscape (MCB17723).
104. We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition, such as the example condition approved by DCLG
105. No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed

works

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
106. Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.
 107. **Natural England** – Initial objection raised to the application - Further information required
 108. Updated comments: Further to our response of 12 February 2016, this letter is to provide an update on Natural England's position following a recent meeting with the applicant's planning consultant, Pegasus Group.
 109. We understand from our meeting with Pegasus Group that, in addition to the provision of approximately 1.14ha of on-site green infrastructure, the applicant has proposed that a proportional financial contribution towards the management and maintenance of the SSSI could offer a solution to Natural England's outstanding objection to the current planning application. Natural England welcomes this proposal and believes that a proportional contribution towards SSSI management measures, in conjunction with proposed on-site open space provision, is likely to provide suitable mitigation to address residual impacts from the development.
 110. Securing this approach through a relevant planning condition and s106 agreement would provide an acceptable alternative to our recommendation that the developer undertake a visitor survey to inform the planning application.
 111. We believe that an appropriate and proportionate developer contribution could be calculated based on the cost of implementing agreed management measures. In this case Natural England believes that suitable measures to address the residual impacts of recreational pressure could include a baseline visitor survey, new signage, education packs for residents of the scheme and dog waste bins. We have contacted the Clunch Pit Management Trust (part of the Parish Council) for their advice on the most appropriate measures to be delivered through a proportional contribution. We will forward details of these, together with cost estimates, to yourselves and Pegasus Group in due course.
 112. Natural England is therefore satisfied that if details of on-site open space provision can be agreed through a planning condition and a proportional contribution towards SSSI management measures are secured through a s106 agreement this proposal could be considered unlikely to have a significant adverse effect on Orwell Clunch Pit SSSI.
 113. Updated following confirmation from Natural England 17 May 2016 : We believe that a contribution of £2,500 (c. £50/dwelling) through a section 106 agreement would be an appropriate and proportionate contribution to address the residual impacts of development on Orwell Clunch Pit SSSI.
 114. We have liaised with the Clunch Pit Management Trust who have advised that the measures below are needed (with net costs estimates) to address pressures of public access at the site. The S106 contribution would be used to fund some of these measures:

- a. To remove and replace old fencing as necessary, 200m @ £9.5 per metre.
 - b. Replace one large field gate and adjacent kissing gate £800.
 - c. To construct two sets of sleeper based steps £1,150.
 - d. At least two new "general" notice boards @ £350 ea.
 - e. Extend scrub clearance to provide sheep with a protected area away from the increased numbers of the general public £930.
115. **NHS England and Little Eversden Doctors Surgery** – In order to accommodate more growth the Surgeries (Comberton and Eversden) would require the renovation of Eversden to create additional consulting rooms. The Surgery cannot afford to commission an architect to undertake these works therefore there are no firm details as to how this might be achieved or the exact cost.
116. We have not had a formal response from NHS England at the point of drafting the committee report and it is standard NHS England practice not to respond to planning consultations on developments smaller than 50 dwellings. That said there is evidence of need to increase GP capacity in the area therefore the Council will continue to explore this with the relevant bodies. SCDC are in the process of pooling 5 primary healthcare contributions towards Comberton therefore should only make reference to Eversden Surgery and not Comberton.
117. **Cambridgeshire County Council - Education and Waste**

Early Years need:

In catchment of Orwell. Sufficient spare capacity. No contribution sought.

Primary need

In catchment of Petersfield Primary School. 18 children generated (based on general multipliers). Sufficient spare capacity. No contribution sought.

Secondary need

In catchment of Bassingbourn Village College. 13 children generated (based on general multipliers). Sufficient spare capacity. No contribution sought.

Libraries and Lifelong Learning

Orwell is currently served by 3 monthly mobile stops (S. Cambs mobile). One of these is in Hurdleditch Road and therefore close to the proposed development. Officers consider the current provision sufficient to serve the proposed 125 new residents.

Strategic Waste

This development is within the Thriplow HRC catchment area for which Section 106 contributions would be £411.11 (£8.39 x 49).

Representations

118. The Local Planning Authority have received 7 representations from the occupiers of 7 Stocks Lane, 24 Lotfield Street, 14 Cross Lane Close, 14 Hurdleditch Road, 12 Fishers Lane, 11 Oatlands and Petersfield Primary School objecting/commenting in respect of the application as originally submitted.
119. In addition the Parish Council sent through additional 18 representations that had been received from local residents between August 2015 and March 2016. Not all the representations contained an address point, however, the ones that did are as follows: 12 Leaden Hill, 17a Fishers Lane, 17 Brookside, 71 Town Green Road, 23a Lotfield

Street.

120. The Parish Council also undertook a questionnaire, of which a summary of there findings is within there comments.
121. The following key material planning considerations have been raised:
- i. Site is outside the village framework.
 - ii. Orwell is classified as a Group Village and does not have the infrastructure to support a development like this, and is therefore not a sustainable location for this scale of building.
 - iii. The application should not be considered in isolation and should take into account recent applications in the area.
 - iv. The school is full, with some classes over size and mixed year classes. There will be no space for quality expansion.
 - v. The Doctors Surgery (Little Eversden) is fully subscribed.
 - vi. Limited capacity of the recreation ground
 - vii. Will add traffic to narrow roads. A603 junction is busy and dangerous. Improvements need to be made. Impact on safety of access to existing properties. Additional noise and fumes/noise. Access should not be close to junction.
 - viii. The layout/use of the proposed coach/car park drop of point is unsuitable and would not work in reality
 - ix. Capacity concerns raised to foul and surface water drainage.
 - x. Proposal will determinate the long term expansion of the school
 - xi. Restrict views of the listed church
 - xii. Limited demand for affordable housing
 - xiii. Flood risk zone and knock on impacts to surrounding properties and infrastructure
 - xiv. Site was rejected as unsuitable in the SHLAA assessment
 - xv. Management of the flood attenuation pond
 - xvi. Internet and phone lines are slow
 - xvii. Noise and disruption during construction
 - xviii. Transport Assessment is unrealistic, being based on travelling times outside of those within which many people will leave the village for work and return to it.
 - xix. Concern about additional surface water run-off, and impact on the Brook.
 - xx. Impact on existing wildlife. Landscape impact.

Planning Assessment

Housing Land Supply

122. 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.
123. The Council 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.

124. 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. 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.
125. 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/1(a), DP/7, HG/1, HG,2, NE/6, NE/17, CH/2, CH/4 and CH/5 of the adopted Development Control Policies. Policies S/7, S/10, NH/3 S/3,S/5, S/10, N/2,N/4, H/7, H/8 and NH/14 of the draft Local Plan are also material considerations but are also considered to be relevant (draft) policies for the supply of housing.
126. 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).

Principle of development

127. The site is located outside the Orwell village framework, 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 49 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.
128. It falls to the Council as decision maker to assess the weight 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 policy continues to perform a material planning objective and whether it is consistent with the policies of the NPPF. Orwell is identified as a Group Village under Policy ST/6 of the LDF and Policy S/10 of the Draft Local Plan. These are the third of four categories of rural settlement and 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. Orwell has only relatively limited facilities and services, with a primary school, small convenience store, public house, hairdressers, recreation ground and village hall. There is no secondary school, doctor's surgery, food store, areas of employment and very limited

accessible public transport services.

129. 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.
130. Policy TR/1 states that planning permission will not be granted for developments likely to give rise to a material increase in travel demands, unless the site has (or will obtain) a sufficient standard of accessibility to offer an appropriate choice of travel by public transport or other non-car travel modes. This policy is not considered to be out of date as it does not relate to the supply of housing, and is consistent with the aims of the NPPF.
131. 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.'
132. In this case the proposal to develop a scheme for up to 49 dwellings is not considered sustainable due to the relatively low level of services and facilities in the village. 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.
133. Orwell was not one of the villages reviewed in The Local Plan Village Classification Report June 2012, informed by the Village Services and Facilities Study, which looked at the settlement hierarchy in the adopted Core Strategy 2007, and as part of this considered where individual villages should sit within the hierarchy, as it has a population of under 2000, which was the lower threshold for the Report.
134. Notwithstanding this, when its location is tested taking into account the following key daily needs; public transport accessibility, accessibility of schools, accessibility to leisure facilities, village facilities and employment areas, officers consider it would score relatively low.
135. The site was promoted during the call for sites for an indicative scheme of between 35 and 55 dwellings and tested in the SHLAA in August 2013. The site was considered to have limited development potential and was not allocated for development and therefore not taken forward as an option in the emerging local plan.

Deliverability

136. There are no known undue 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

137. The NPPF states that there are three dimensions to sustainable development, economic, social and environmental. These aspects are considered in the assessment of highlighted issues below.
138. 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 Dimension

139. The provision of 49 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 Dimension

Provision of new housing

140. The development would provide a clear benefit in helping to meet the current housing shortfall in South Cambridgeshire through delivering up to 49 residential dwellings. 40% of these units will be affordable (up to 20 units). The applicant indicates that the mix of market housing will be in accord with Policy HG/2 and this can be conditioned as part of any approval. Whilst policy HG/2 and emerging policy H/8 are considered to be policies for the supply of housing and are therefore to be considered as being out of date. One of the main aims of the policies is to provide a wider choice, type and mix of housing to meet the needs of different groups in the community. As such, weight can be attributed to the policy in this regard.
- 141.
142. The affordable housing can be secured through a Section 106 Agreement on the terms as set out in the advice from the Affordable Housing Officer. The Affordable Housing Officer indicates there is a clear need within the district for affordable homes. Officers are of the view the provision of up to 49 houses, including the affordable dwellings, is a benefit and significant weight should be attributed this in the decision making process.

143.

Services and Facilities

144. The National Planning Policy Framework (the Framework) seeks to significantly boost the supply of housing but also to ensure that new market housing is provided in sustainable locations that have service provision to support new housing.
145. One of the core planning principles, paragraph 17 of the NPPF, is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
146. Paragraph 34 of the NPPF indicates that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be

maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

147. Policies DP/1 and TR/1 of the adopted Local Development Framework Development Control Policies Development Plan Document 2007 (the DPD) and Policies HQ/1 and TI/2 of the Emerging Local Plan 2013 (the ELP) seek amongst other things to reduce car dependency and provide convenient access for all users of all abilities to public buildings.
148. Orwell village is served by relatively few services and facilities but those that are there includes; a Primary School, Public House, Church, and Village Hall, post office/convenience store, hairdressers and a single recreation ground. As such, residents are required to commute outside the village to access many other day-to-day services including leisure and health facilities, food stores, places of employment and secondary education centres.
149. The closest 'Minor Rural Centre' to the village is Melbourn (adopted LDF) and Comberton (Emerging LP) which are both roughly 9km (6 miles) from the site. Orwell lies within the secondary school catchment area of Bassingbourn (Group Village) which is roughly 17km (11 miles) from the village. All these villages contain a number of services/facilities, larger food stores, more frequent public transport modes, areas of employment and leisure facilities. There are no frequent or direct bus or train services from Orwell to these village centres and given the distance, it is not reasonable to assume future occupants will walk/cycle to these services centres.
150. Smaller villages that surround Orwell include Arrington, Little Eversden (doctor's surgery), Wimpole, Shepreth and Barrington, which are all classified as 'infill villages' with the exception of Barrington being a Group Village in the Core Strategy. Whilst they are closer to the village of Orwell they all have very few services.
151. The closest bus stop to the site is on Town Green Road with services (Route 75 and Route15) to Cambridge and Royston. The bus runs through the villages of Barrington, Haslingfield, Harlton and Barton, which takes roughly 40 minutes according to the service timetable. There are five services in and out of the village per day with the last service out at roughly 3pm and return at 5.30pm. There are no frequent services on Sunday. The applicants have indicated willingness to pay for an additional bus stop to the front of the application site.
152. By virtue of the length of time it takes to get to Cambridge (in-direct service), only a 2 hourly service and the limited availability of services after 6pm on weekdays and on Sundays, officers do not consider it to be a high quality or more frequent transport service that can generally be found in elsewhere Minor Rural and Rural Centres elsewhere in the district. Furthermore, this bus service does not link up to the Shepreth or Foxton train stations that can be found in adjacent villages and as such they can only be realistically accessed by private car.
153. The Office of National Statistics (2011) and the Census Profile (2011) by the Cambridgeshire County Council conducted an assessment on the 'Method of Travel to Work' for the parish of Orwell. The results indicate that out of 532 that are employed within the village;
 - 8 people travel to there workplace via bus, mini bus or coach (1.5%)
 - 32 people opt to take the train (6%)
 - 12 people opt to cycle (12%)
 - 22 people opt to go on foot (22%)

- 385 opt to take the car (75%)

154. In accordance with the Census, the movements by car to employment are above the district average of 68% for a village. Officers consider these numbers to reflect Orwell's limited access to a well served public transport modes to get to places of key places employment.
155. The County Council and Petersfield Primary School have confirmed that there is capacity for students at both schools. The closest doctor's surgery to Orwell is Little Eversden. Whilst officers have not had any comments from the surgery or NHS England, we are mindful of there capacity issues from other sites in the district and through public consultation comments. As such, we are likely to require a contribution towards potential extension to the practice.
156. The limited services within the village, limited access to frequent public transport, limited leisure facilities and limited employment opportunities in the locality is reflected in Orwell being designed a 'Group Village' in the Core Strategy settlement hierarchy.
157. Whilst there does not seem to be any capacity issues at the local schools, by virtue of the limited range of services and facilities in the locality, officers consider a development of this size and scale would give rise to a material increase in travel demands. The limited bus service and the inability for residents to reasonably walk/cycle to other service centres would mean they would be largely reliant of the private car to get around. As such, officers consider the proposed scheme to be contrary to Core Planning Principles identifies in paragraph 17 of the NPPF, ParaGRph 34 of the NPPF, policies DP/1 and TR/1 of the adopted Local Development Framework Development Control Policies Development Plan Document 2007 (the DPD) and Policies HQ/1 and TI/2 of the Emerging Local Plan 2013.

Residential amenity

158. 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. The development of the site for residential purposes will result in the loss of outlook for some existing properties on the Oatlands and Brookside, and will significantly alter the current quiet and tranquil nature of the site. However, this in itself would not be a reason to object to the application.
159. Officers consider there is sufficient space on the site to allow the layout to be amended to meet Design Guide criteria. The Councils Urban Design Officer has not made any objections to the scheme on this basis. The proposal would therefore comply with policy DP/3 in this respect.

Open Space

160. The onsite 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.
161. The Recreation and Open Space Study dated July 2013 identified Orwell as needing a total of 1.70 ha of sports space (or 1.696 ha to be exact). Orwell was said to have 1.33 ha of sports space therefore a deficit of 0.37 ha of sports space was identified. This assessment was based on the population of Orwell from the 2011 Census and it

is accepted that some development has occurred since then adding perhaps 50 more people in the village. If 50 people were added to the equation at current time the sports space need for Orwell would be 1.776 ha (i.e. a 'new' deficit of 0.446 ha).

162. Here the application is for 49 dwellings and one could assume as a ballpark figure that some 120 people will live on the development (i.e. the sports space needs increases further to circa 2 ha of sports space with a deficit increasing to 0.64ha).
163. According to policy SF/11 the development itself gives rise to the need of less than 0.2 ha of sports space. Furthermore the Open space in new development supplementary planning document (Jan 2009) gives a guide of 200 dwellings for when onsite sports space should be provided.
164. The applicant is proposing an area of land to the side of the application site equivalent to 1.62 ha. This would be roughly 8 times what they would be required to provide by current planning policy. Officers consider this provision would be a benefit to the community.
165. Officers understand that the Parish Council have suggested that the proposed land for car parking should be excluded and therefore a total of 1.35 ha is being proposed for sports space. Whilst officers have a great deal of sympathy for this argument, unfortunately Officers are bound by the planning policy and Appendix 3 of the Open space in new developments supplementary planning document gives a definition for Outdoor Sport as follows:

'Facilities such as grass pitches for a range of sports, bowling greens, tennis courts, athletics tracks and multi-use games areas plus ancillary facilities such as car park, changing and storage. Water can only be included if it is in the form of a formal water sports lake with associated ancillary facilities and car park'
166. On this basis the District Council would have to consider that the total offer being made is for 1.62 ha of sports space.
167. The recreation ground being offered does not fulfil the total needs of the village but officers not convinced that a decision maker looking at this issue alone would have reasonable grounds to refuse the scheme. Government policy would not allow the application to mitigate an existing shortfall and local policy could not necessarily insist on the developer providing this as part of a development of less than 200 dwellings.
168. If the District Council were to consider this scheme favourable then Orwell Parish Council will need to provide an indication on whether or not they want to secure the new recreation ground, whilst still maintaining an in principle objection. Alternatively, off-site contributions towards outdoor play space and informal open space would be required. Like the recent appeal decision at Swavesey (ref: S/0875/15/OL) this can be discussed within the terms of the S106 agreement and would involve the need for a change of use application to be submitted for the land.

Highway Safety and Access

169. In respect of local traffic patterns and accident records, the Transport Assessment Team requested additional information. This has been provided by the applicant and has been assessed by the County Council. As a result of the findings they raise no "in principle" objections to the scheme subject to a number of terms and conditions which have been detailed in there comments above.

170. The details of the access on to Hurdleditch Road from the site have been accepted in principle with the correct visibility splays. However, the County Council Development Management Team, along with Petersfield Primary School and the Parish Council had raised concerns in regards to the general layout of the coach and car parking drop-off point and its practicalities. Whilst the applicants have attempted to remedy this concern in a revised plan (dated 28 April), there is still an element of concern and as proposed, the local highway authority would not accept either layout. As a result the agent/applicants have withdrawn the revised illustrative master plan and Transport Statement and are now referring back to the original and amended TS (dated May 2016).
171. The LHA recommend a condition is added to any permission to require the proposed car park and associated access is only provided if this is deemed necessary for the school in accordance with there 'Travel Plan' arrangements and subject to a suitable layout being achieved that is acceptable to the Local Highways Authority. Officers consider this to be reasonable given the 'in principle' support from the Parish Council and School for enlarged parking facilities.
172. A footpath should be provided from the proposed access southwards to join up with the existing footpath, which currently ends at the primary school access. This can be secured by a S106 agreement. A request has also been made to secure contributions towards to new bus shelter and the re-location of the signs.
173. Many of the representation from Orwell residents express concerns over the impact of increased traffic on already congested roads, the width of the roads and highlighting queuing traffic at a number of pinch points. Whilst these concerns are frustrating for local residents, the highways authority does not oppose the scheme on grounds of either safety or capacity.

Environmental Dimension

Impact on character of the village and landscape

174. The application proposes new housing at a density of approximately 14 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.
175. 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.
176. 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.

177. The site is situated within the East Anglian Chalk Landscape Character Area and the landscape character of the site and its immediate surrounding are typical of East Anglian Chalk comprising large agricultural fields separated by low trimmed hedges, and set in an open and gently rolling landscape. There are mostly small, scattered villages with well defined edges by mature trees and thick hedgerows.
178. Orwell is a linear village which retains a historic street pattern. To the north of the village is the chalk ridge of Toot Hill, which overshadows the village. Most of the village is bordered by large open arable fields, with some small fields on the edge forming a transition. Development of this site would extend the village out into the open countryside in a location with an existing soft green edge of the existing recreation ground.
179. The development would result in the introduction of development in an area that is currently undeveloped, and given the site characteristics and landscape setting, development of the scale proposed has the potential to result in a loss of openness to the countryside and landscape and visual harm.
180. The Urban Design Team, whilst accepting that layout is a reserved matter, has raised concerns to the illustrative layout plan for up to 49 dwellings, as it was poorly connected/integrated into the village. The Landscape Officer has objected to the application due its impact on rural characteristics of the area and the lack of existing natural boundaries to obscure future development on an important approach to the village.
181. The Local Planning Authority therefore considers that a development of up to 49 dwellings would be likely to exert a harmful effect on the landscape and visual amenities of the area, contrary to Policies DP/1, DP/2, DP/3 and NE/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD, 2007.

Surface water drainage

182. Representations received indicate that flooding is an on going problem in some parts of the village. As part of the application site lies in Flood Zone 2/3, the applicants have submitted a detailed Flood Risk Assessment with the application and have also indicated a 25m buffer of undeveloped land along with an attenuation pond on the indicative master plan.
183. The Lead Local Flood Authority has not raised an objection following the recommendations put forward and is of the view that surface water drainage from the site. They have requested that pre-commencement conditions be included for further details in any outline consent.

Foul water drainage

184. Anglian Water accepts there is currently no capacity to deal with foul drainage flows from the proposed development. However, it states it is obligated to accept the foul flows from developments with the benefit of planning consent and would therefore take necessary steps to ensure that there is sufficient treatment capacity if the development goes ahead.

185. The agent/applicant has liaised with Anglian Water to establish an alternative foul water drainage scheme. The Flood Risk Assessment produced by Fairhurst and the Planning Statement submitted with the application indicate that the site will be served by a dedicated on-site pumping station and a new drainage pipeline which will run around the perimeter of the village, to the south west within land owned by the applicant. Accordingly, foul drainage from the development will bypass the centre of the village. Anglian Water have raised no in principle objections to the strategy subject to a compliance condition on any decision notice.

Heritage Assets

186. Whilst the application site lies outside the Orwell Conservation Area and is not directly adjacent to any Listed Buildings, views of the Grade I Listed St Andrews Church can be seen over the fields when walking down Hurdleditch Road due to the church being situated on an elevated position.
187. In relation to preserving the settings of listed buildings Section 66(1) of the Listed Buildings and Conservation Areas Act (1990) provides that “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
188. Paragraph 132 of the NPPF, in the section dealing with the conservation and enhancement of the historic environment, states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.
189. Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm or to a total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
190. Paragraph 134 of the NPPF says 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, including securing its optimum viable use”.
191. Recent planning case law has confirmed that having “special regard” to the desirability of preserving the setting of a listed building under section 66 involves more than merely giving weight to those matters in the planning balance. In particular, case law has confirmed that “preserving” in the context of Listed Buildings means doing no harm.
192. Moreover, there is a statutory presumption, and a strong one, against granting planning permission for any development which would fail to preserve the setting of a listed building. A finding of harm to the setting of a listed building gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. Even if harm is considered to be “less than substantial” then “considerable importance and weight” to the desirability of preserving and or

enhancing should be applied.

193. In the context of considering this application, a judgement must be made as to whether the development proposals would cause any harm to the setting of the listed church, having regard to the statutory duty to have special regard to the desirability of preserving its setting.
194. If there is harm, a judgement needs to be made as to whether this harm is substantial (including total loss of significance of a heritage asset) or less than substantial. Where harm is identified, the overarching statutory duty requires considerable weight to be given to preservation, and a strong statutory presumption against development should apply.
195. If approved, the proposed development would partly block some of the existing views to the Grade I Listed Church, however, the majority of the views from top end of Hurdleditch Road and including that from the A603 will be retained. As such, provided any future reserved matters application includes some sort of vista through the site, as recommended by the Conservation Officer, the proposed development is considered to lead to less than substantial harm to the significance of the designated heritage asset.
196. This harm would then need to be weighed against the public benefits of the scheme and this would include additional housing to meet the five year supply, the provision of affordable housing, additional car parking facility and a potential recreational ground.
197. A desk based archaeological investigation of the site has been undertaken and findings submitted in a report. The Archaeology Team at the County Council does not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a condition.
198. Taking these factors into account officers consider the development would largely preserve the setting of the listed building and be acceptable from an archaeological point of view. Thus while policies CH/2 and CH/4 are to be regarded as housing supply policies, and therefore considered to be out of date, no harm has been identified in this instance, which would prevent the application from being approved.

Ecology

199. To the north of the village lies the Orwell Chalk Pits that is designated as a SSSI (site of special scientific interest). Natural England was consulted on the planning application and had initial concerns with the impact of additional residents to the maintenance and management of the SSSI.
200. Natural England was supportive of a new recreational field and the open space within the site, as it would take the pressure off the SSSI. It was also agreed that some funding (via S106) would go towards the upkeep of the area, along with benches, bins and signs. Natural England removed their objections to the scheme on this basis.
201. The application is accompanied by a number of Ecology Reports assessing the impact on protected species in and around the site. The Ecology Officer has raised no objection, subject to safeguarding conditions and the submission of an ecological enhancement scheme.
202. Thus while policy NE/6 is to be regarded as a housing supply policy and is therefore

considered to be out of date; no harm has been identified in this instance, which would prevent the application from being approved.

Renewable Energy

203. 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.
204. 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. The applicant indicates that the detailed scheme will comply with national housing standards in respect of water conservation.

Protecting High Quality Agricultural Land

205. 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.
206. Policy NE/17 is considered to be a policy that restricts the supply of housing, and is therefore considered out of date. The application site does form part of a larger area of agricultural land, which does mean the loss would be relatively significant; however, the loss of such a small area of land would need to be weighed in the balance of providing additional homes in the district.

Noise

207. Due to the size of the scheme, it is likely to have an impact on the surrounding residents. Whilst it is unreasonable to set a timescale restriction to construction phase of the development, officers consider it reasonable to apply the conditions suggested by the environmental health officer to mitigate any significant harm.
208. The Council's Environmental Health Officer considers that the principle to be acceptable, however, additional details of the coach drop-off/pick up area will need to be submitted in regards to the impact on amenity of residents and necessary mitigation measures. The Environmental Health Officer considers this can be dealt with by the way of a planning condition.

Planning Obligations

209. 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.
210. The Council can confirm that there have been five section 106 agreements in respect

of developments in the village of Orwell since 6 April 2010 contributing towards (i) off site 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.

211. 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.
212. 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

213. Both the Parish Council and the Primary School have raised concerns, as the proposal would inhibit the school from expanding in the future. There is currently no adopted neighbourhood plan for the village and furthermore there are no guarantees the existing landowner would sell the site off for this purpose. As such this matter alone is not a material planning reason to reject an application.
214. If approved the agents have confirmed that a management company will look after the attenuation pond and informal open space if the Parish Council did not want to take it on.
215. A utility report has been submitted with the application which confirms there is scope to attach the dwellings to existing services (telephones, internet services etc.).

Recent Appeal Decisions

216. The officer's recommendation for refusal on a similar, albeit smaller proposal in Balsham, as published for the purposes of the June 2016 Planning Committee, was subject to challenge from the applicant. That led to the application being deferred from consideration at that time. As a consequence this application was also deferred from being considered.
217. The challenge to the other application referred particularly to recent appeal decisions within the district at Foxton (APP/W0530/W/15/3084325) and Swavesey (APP/W0530/W/15/3139078) and the relevancy of these decisions in the determination of the application.
218. 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 the grade II Foxton House, the proposal does not comprise sustainable development.
219. 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.

220. The challenge 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. This could be construed as comparable to this application given that Swavesey and Foxton are designated similarly as Group Villages within the adopted Core Strategy. The Foxton appeal started on the 31 July 2015, with statements due on the 11 September 2015 and the inquiry evidence given on the 12 January 2016 and held on the 9 February 2016. The Swavesey appeal started on the 14 December 2015, with final comments due on the 19 February 2016.
221. 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 17ⁿ 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.
222. Another appeal decision (APP/W0530/W/15/3138791) has only recently been issued in respect of a site in 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.
223. It is considered that the Core Strategy DPD objectives (ST/a –K) and the associated suite of policies ST/2 - ST/7 and Development Control Policies policy DP/7 maintain an important and valid planning function because they ensure that development is sustainably located and unsustainable locations are avoided. This matter was 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.
224. These matters were not considered in the two appeals and as such, the desirability in principle of consistency in decision making is displaced by the fact that this important factor was not considered or therefore part of the decision making process which led to those appeals being determined.
225. 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.
226. A note of advice, addressing the matters raised by Rupert Warren Q.C on behalf of the applicants for the site at Balsham, has been prepared by Douglas Edwards Q.C on behalf of the Local Authority, dated June 2016. The note of advice has informed the approach to this recommendation to Planning Committee.

Conclusion

227. 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:
228. 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/6: Biodiversity
NE/17: Protecting High Quality Agricultural Land
CH/2: Archaeological Sites
CH/4 : Development in the Setting or Curtilage of a Listed Building
229. 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.
230. For the reasons outlined above, officers are of the view that significant weight can be given to Policies ST/6, DP/7 and HG/1 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, and impact on the rural character of the village. Officers have based the first part of this conclusion on the specific circumstances of Orwell, taking into account that Orwell is not considered a sustainable location for development of this scale as outlined in the planning assessment.
231. In making the planning balance any adverse impacts must be weighed against the potential benefits of the development outlined in the preceding section of this report.
232. 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 Orwell is not a sustainable location for the scale of development proposed.
233. 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 the above paragraphs why Policies ST/6, DP/7 and HG/1 should still be given significant weight in this case.

Recommendation

234. Officers recommend that the Planning Committee should refuse the application for the following reasons.
1. Orwell 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 Orwell 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 (NPPF) 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 Policy 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 Orwell has been identified as not being a sustainable location for the scale of development proposed. Although some local community and social facilities are available, the services in Orwell has been found deficient in a number of areas, which are likely to generate regular journeys, which are not likely to be made other than by the private car. These are the lack of significant sources of employment in the vicinity, the nearest secondary school being Bassingbourn Village College, limited access to leisure centres and that anything other than the most basic shopping trip not being able to be fulfilled other than by use of the private car. 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, ST/6 and TR/1 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.

2. The site is located in the countryside and forms part of an important rural gateway into the village. The transition is marked by arable fields, leading onto the soft edge of the recreation ground, adjacent to which is the clearly defined built-up framework of the village. Views are also afforded across the fields to the Grade I Listed Church (St Andrews). These aspects represent the character of the area and are what makes the landscape locally distinctive.

The outline application seeks development of the site for up to 49 dwellings. The Local Planning Authority is of the view that the development would be out of character with the pattern of development in this immediate area, it would not maintain the existing clear transition and as a result it would have an unacceptable adverse impact overall local character. Furthermore, the proposal, as submitted, has not presented any options to mitigate the above concerns. For this reason the proposal is contrary to the aims of Policies DP/2, DP/3 and NE/4 of the adopted Local Development Framework, which seek to ensure that new development.

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/3190/15/OL

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