

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

7 September 2016

**AUTHOR/S:** Head of Development Management

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**Application Number:** S/0089/16/FL

**Parish(es):** Papworth Everard

**Proposal:** Demolition of existing dilapidated church and erection of four new apartments

**Site address:** St Francis of Assisi Roman Catholic Church, Ermine Street North, Papworth Everard, Cambridgeshire

**Applicant(s):** Nicholas Kearney, Roman Catholic Diocese of East Anglia

**Recommendation:** Delegated Approval Subject to Legal Agreement to Secure Affordable Housing

**Key material considerations:** Planning Policy and Principle  
Housing Land Supply  
Sustainability  
Loss of Community Facility  
Impact on Character and Appearance of Conservation Area  
Access and Parking  
Design Considerations  
Density  
Housing Mix  
Affordable Housing  
Impacts on Trees  
Residential Amenity  
Archaeology  
Developer Contributions

**Committee Site Visit:** 6 September 2016

**Departure Application:** Yes

**Presenting Officer:** Thorfinn Caithness, Principal Planning Officer

**Application brought to Committee because:** The recommendation to approve conflicts with the objection of the Parish Council

**Date by which decision due:** 9 September 2016 (extension of time agreed)

### Executive Summary

1. The application seeks full planning permission for the erection of four residential

apartments following demolition of St Francis Of Assisi Roman Catholic Church at Papworth Everard. The application site is located inside the village framework of a Minor Rural Centre wherein residential development proposals of up to 30 dwellings on individual sites will be supported. This is considered to be an accessible and sustainable location in the centre of the village, close to a good range of services and facilities and will involve the re-use of previously developed land.

2. Site Specific Policy SP/10 of the adopted Local Plan is considered to be a housing delivery / restriction policy, as it seeks to promote the delivery, but also restrict the potential amount of housing in order to achieve a mix of land uses, to include employment and community uses. This policy is considered to be out of date, and whilst some weight can be afforded to it, it is considered the greatest weight should be afforded to the delivery of more housing at a time when there is a recognised shortfall, rather than the delivery of a mix of land uses.
3. The concerns of the Parish Council with regards to the loss of a valuable local community facility are noted, however the church of 1960's origin is in an extremely poor state of disrepair, is boarded up, the wider grounds are unkempt and unmaintained and the site and building has been closed and inaccessible to the public for 10 years. It may be the case that an alternative owner could acquire the site, reinvest in the existing building and make it available and accessible once again for community use. However, the submitted structural report outlines that this would require significant and extensive repairs and renovation works, the cost of which is considered to be disproportionate to the value of the site and building and thus is unlikely to be a viable proposition.
4. Although national and local planning policies seek to guard against the loss of valuable local facilities it is not considered that the proposed loss in this case would cause an unacceptable reduction in the level of community or service provision in the locality, taking account of the protracted period over which the building has been closed and unavailable for public use, the presence of other village services and facilities which provide a convenient and accessible alternative to the application site and the structural engineer's report outlining the extensive repairs required at considerable and disproportionate cost.
5. With regards to the impact of the proposed demolition and redevelopment on the Papworth Everard Conservation Area it is considered that there will be no harm and the character and appearance of this designated heritage asset will be preserved, in accordance with section 72(1) of the Listed Buildings and Conservation Areas Act, 1990. This places a statutory duty on the local planning authority to have special regard to the desirability of preserving and enhancing the character, appearance and setting of Conservation Areas. The proposed demolition of the existing dilapidated building of 1960's ubiquitous, utilitarian design and appearance and its replacement with a well designed, quality new building reflective of the scale, design and appearance of neighbouring buildings is considered to comprise a positive planning gain and significant enhancement of the heritage asset.
6. The concerns of the Parish Council with regard to access and parking are noted, however there are no objections from the Highway Authority. The proposed access has good visibility in both directions and on-street parking for the general public will remain available in the existing frontage lay-bay, despite a small reduction to accommodate the access. The proposed off-street car parking will be located to the sides and front of the building, however the retention of the existing mature frontage trees, combined with the planting of a new frontage hedge will screen an otherwise small scale and largely innocuous domestic parking area.

7. Regard has been had to a number of mature trees on the site, including a protected tree on the frontage. The detailed layout and design seeks to retain these valuable natural assets and accommodate the new build proposals within this constraint, much in the same way as the existing building, which is in fact much closer to the existing trees than the application proposals, has developed a compatible relationship with these mature trees. The positions of the proposed access, building and parking areas have sought to take account of root protection areas, and where encroachment is necessary, this is small in scale and suitable no-dig construction methods can be employed to safeguard the tree roots.
8. The proposals trigger a requirement to provide 40% affordable housing. The applicant is committed to meeting this obligation and has undertaken initial negotiations with a number of Registered providers, with confirmed interest from at least one for on-site provision. The provision of 2 no. on-site affordable units is considered to weigh significantly in favour of the application, and to a degree compensates for the perceived loss of a valuable community facility. Likewise, the provision of 2 no. additional market homes at an accessible and sustainable location involving the re-use of previously developed land also balances in favour of the proposal.
9. Account has also been had for other material planning considerations and interests of acknowledged importance, including archaeology, drainage and residential amenity and the application is considered to be acceptable in all regards.
10. Taking account of all of these factors, notwithstanding the loss of the existing community facility, it is considered that there are a number of convenient and accessible alternatives available in the village which will satisfactorily compensate for this loss. Moreover, there are a number of clear positive planning outcomes which balance in favour of the application, including enhancement of the Conservation Area, provision of additional housing (including much needed affordable housing) and reuse of a previously developed land at an accessible and sustainable location.

### **Site and Surroundings**

11. The application site comprises a 1960's origin brick building of utilitarian design and appearance. It has been used historically as a church with church hall for religious serves and for general community meeting and other functions. The building closed in 2007 at which time a survey was undertaken and the building was judged to be unsafe and costs for repair and renovation were deemed to be disproportionate and unviable to bring the building back into community use. The building has been boarded up and has remain closed and inaccessible to the public ever since. The boarded up building is highly visible in the public street scene and currently exerts a negative impact generally and also more specifically on the designated Conservation Area. The associated grounds to the sides and rear, which are exposed and visible from a footpath linking Ermine Street North to the Elm Way residential estate are also overgrown and unkempt and there are visible signs that the building and the site have been subject to vandalism.
12. The church building is located within the village framework and also within the designated Conservation Area. The site is also located within adopted Site Specific Policy Area SP/10 Site 2- Papworth Everard Village Development - Papworth Everard West Central. The objectives of this adopted policy are as follows: -  
  
"Redevelopment will be based on a mixed-use development aimed at the continued invigoration of the village of the village centre with community uses, employment and housing development.

Any scheme must be well related to, and respect the character of, Papworth Everard Village centre and integrate with the housing allocation to the south”.

13. Policy SP/10 also states that further guidance will be detailed in supplementary planning documents, however to date these have never been prepared.
14. The continued invigoration of the village centre objectives of Policy SP/10 Site 2 are being carried forward into emerging Local Plan Policy H/3 ‘Papworth Everard West Central’, which again seeks to secure a mix of uses including community, employment and housing.
15. The site contains a number of attractive, mature trees, notably along the Ermine Street North frontage. These trees make an important contribution to the character, appearance and distinctiveness of the street scene and the designated Conservation Area.
16. Surrounding land uses comprise residential development on three sides to the North, South and West and Ermine Street North to the East, beyond which is a modern development of shops, cafe and library in a contemporary central village location.
17. There is a public footpath located to the North of the site which links Ermine Street North with Elm Way.
18. The site is in Flood Zone 1 and therefore is not affected by flood risk.

### **The Proposals**

19. The application consists of the following key elements: -
  - (a) Demolition of existing 1960’s dilapidated and closed church building;
  - (b) Erection of a two storey building to house 4 no. 2-bedroom apartments;
  - (c) Provision of 2 no. on-site affordable homes;
  - (d) Modest contribution to housing land supply;
  - (e) Re-use of previously developed land at an accessible, sustainable location;
  - (f) Retention, protection and incorporation of existing mature trees and additional supplementary landscape planting;
  - (g) Provision of off-street parking, turning and servicing space;
  - (h) Good quality new build design in keeping with the size, scale, form and detailed design and materials of existing neighbouring developments;
  - (i) Provision of good sized private and communal amenity areas.
  - (j) Creation of new vehicular access onto Ermine Street North.

### **Planning History**

20. S/2196/13/FL – Demolition of extension to church and erection of 1 dwelling – Refused – On grounds of no developer contributions offered.

S/1857/07/F – Demolition of church and erection of 2 dwellings – Refused on grounds of conflict with emerging Policy SP/10 in terms of lack of mix of land uses and inefficient use of land.

S/2435/02/O – Demolition of church and erection of 2 dwellings – Withdrawn.

S/0752/74/0 – Proposed Nursery / playgroup usage for two years only

C/0065/54 – New Build Church – Approved.

### **Planning Policy**

21. 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.

### ***National Guidance***

22. National Planning Policy Framework 2012 (NPPF)  
National Planning Practice Guidance 2014 (NPPG)

### ***Development Plan Policies***

23. **South Cambridgeshire LDF Core Strategy DPD, 2007**  
ST/2 Housing Provision  
ST/3 Re-Using Previously Developed Land and Buildings  
ST/5 Minor Rural Centres
24. **South Cambridgeshire LDF Site Specific Policies DPD, 2010**  
SP/10 Papworth Everard Village Development
25. **South Cambridgeshire LDF Development Control Policies DPD, 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/1 Protection of Village Services and Facilities  
SF/10 Outdoor Playspace, Informal Open Space, and New Developments  
SF/11 Open Space Standards  
NE/9 Water and Drainage Infrastructure  
CH/2 Archaeological Sites  
CH/5 Conservation Areas  
TR/1 Planning For More Sustainable Travel  
TR/2 Car and Cycle Parking Standards
26. **South Cambridgeshire LDF Supplementary Planning Documents (SPD)**  
District Design Guide - Adopted March 2010  
Open Space in New Developments SPD - Adopted January 2009  
Affordable Housing – Adopted March 2010  
Trees & Development Sites – Adopted January 2009  
Landscape in New Developments SPD - Adopted March 2010  
Biodiversity SPD - Adopted July 2009  
Cambridgeshire and Peterborough Waste Partnership (RECAP) Waste Management Design Guide – Adopted February 2012  
Conservation Areas

27. **South Cambridgeshire Local Plan Submission - March 2014**

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/6 The Development Strategy to 2031  
S/7 Development Frameworks  
S/9 Minor Rural Centres  
CC/1 Mitigation and Adaption to Climate Change  
CC/3 Renewable and Low Carbon Energy in New Developments  
CC/6 Construction Methods  
CC/7 Water Quality  
CC/8 Sustainable Drainage Systems  
HQ/1 Design Principles  
NH14 Heritage Assets  
H/3 Papworth Everard West Central  
H/7 Housing Density  
H/8 Housing Mix  
H/9 Affordable Housing  
H/11 Residential Space Standards for Market Housing  
SC/3 Protection of Village Services and Facilities  
SC/4 Meeting Community Needs  
SC/6 Indoor Community Facilities  
SC/7 Outdoor Play Space, Informal Open Space and New Developments  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision  
TI/8 Infrastructure and New Developments

**Consultation**

28. **Papworth Everard Parish Council** - The Parish Council recommends refusal for the following reasons: -

Vehicular Access

The access will cut across the existing Ermine Street lay-by, the reduction in size constitutes a loss of amenity for the general public who use the lay-by as a convenient village centre drop-off and pick up point, particularly for the local school. The lay-by is also used by those accessing village amenities, such as the GP's surgery, pharmacy, library, post office and shops.

The site is also a short distance from a light-controlled pedestrian crossing, frequently used by schoolchildren and the elderly. A better, safer and more convenient access to the site would be from Elm Way.

Lack of Clarity on the Plans

The plans are not clear with regards to the position of the application site relative to the public footpath connecting Ermine Street North with Elm Way, which is a safer routes to school designated path.

Parking

The presence of parked cars to the frontage will be visually unattractive and inconvenient for residents. Parking should be to the rear where there is more than

adequate space. Access should also be from Elm Way.

#### Hedge Planting Proposals

The use of a Hawthorn hedge on the Ermine Street North frontage is not suitable due to likelihood of car and bicycle tyre punctures.

#### Lack of Funding for Items of Community Benefit

The application, if approved will be removing what has been for many years an important community building and meeting place – both the church and its adjacent church hall. It is also within the Papworth West Central development areas covered under Site Specific Policy SP/10 of the LDF, which seeks a mixed-use re-development of this part of Papworth Everard. In recognition of this, and as this application is purely for residential use, an adequate donation should be made by the owner / developer towards the provision of replacement facilities that will benefit the village community. The Parish Council continues to seek appropriate site for the provision of a small hall suitable for young people's recreation – both formal (scouts, guides etc) and informal (drop-in centre / youth club). Improvements to the provision of facilities on the playing field, which is very near to the application site are also sought.

29. **Local Highways Authority** - No objections subject to conditions relating to the following: -
- Provision and maintenance of vehicular and pedestrian visibility splays.
  - Falls and levels of the access road to prevent water draining onto the public highway.
  - Access to be constructed using a bound material.
  - Minimum width of access.
  - Provision and retention of off-street parking and turning space.
  - Permanent closure of existing access to the church.
  - Traffic Management Plan to be submitted and agreed.
30. **Historic Buildings Officer** - No great concerns about the proposed design. The external materials and details of the windows and doors should be conditioned.
31. **Archaeology** - No objections. The site lies in an area of high archaeological potential. No objection subject to the imposition of a standard condition requiring implementation of a programme of archaeological work in accordance with a written scheme of investigation.
32. **Trees Officer** - Comments awaited.

#### **Representations**

33. No letters of representation have been received from local residents.

#### **Planning Assessment**

34. Applications are to be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The adopted Development Plan comprises the South Cambridgeshire Core Strategy DPD, 2007, Development Control Policies DPD, 2007 and Site Specific Policies DPD.

35. The emerging Local Plan comprises the South Cambridgeshire Local Plan, Proposed Submission Version, July 2013 and associated Policies Map. This plan has not yet been adopted and remains subject to independent examination therefore very limited weight can be attached to the policies contained therein at this time.
36. The application has been advertised as a development affecting the setting of a Conservation Area.
37. The key issues in relation to this application are considered to be Planning Policy and Principle, Housing Land Supply, Sustainability, Loss of Community Facility, Impact on Character and, Appearance of Conservation Area, Access and Parking, Design Considerations, Density, Housing Mix, Affordable Housing, Impacts on Trees, Residential Amenity, Archaeology, Developer Contributions.

## **Planning Policy and Principle of Development**

### **Housing Land Supply**

38. 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.
39. 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.
40. Further guidance as to which policies should be considered as 'restricting housing land supply' emerged from a recent Court of Appeal decision (Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes). The Court extended the definition of 'relevant policies for the supply of housing' from, 'merely policies in the Development Plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites,' to include, 'plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed.' 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 even where policies are considered 'out of date' for the purposes of NPPF paragraph 49, a decision maker is required to consider what weight should attach to such relevant policies.
41. In the case of this application policies which must be considered as potentially influencing the supply of housing land are as follows:

#### Core Strategy

ST/2 (Housing Provision),  
ST/3 (Re-Using Previously Developed Land and Buildings)  
ST/5 (Minor Rural Centres)



### Site Specific Policies

SP/10 Papworth Everard Village Development

### Development Control Policies

DP/1 Sustainable Development  
DP/7 Development Frameworks  
HG/1 Housing Density  
CH/2 Archaeological Sites  
CH/5 Conservation Areas

### Emerging Submission Local Plan

S/7 (Development Frameworks)  
S/9 (Minor Rural Centres)  
H/7 (Housing Density)  
H/3 Papworth Everard West Central

42. 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.
43. The application site is located inside the Papworth Everard village framework where the principle of residential development is regarded as acceptable in principle.
44. Site Specific Policy SP/10 however seeks to secure a mix of development within the Papworth Everard Site Specific Policy Area with the objective of reinvigorating the village centre. The application is exclusively for housing and does not include a mix of land uses. Policy SP/10 seeks to deliver housing and restrict the amount of housing in favour of a mix with other uses. It is therefore a housing supply and restriction policy and so is considered out of date. As such, whilst some weight can continue to be given to the objectives of this policy, when assessed in the planning balance, it is considered that the greatest weight should be given to the objective increasing the delivery of housing given the current shortfall, rather than the achievement of a mix of land uses on this particular application site.
45. It is also the case that the application site is modest in size and thus given this factor it is unlikely to be practical or feasible to deliver a mixed land use proposal. It is acknowledged that this may be a consequence of the piecemeal nature of the current application, which seeks only to redevelop a small part of the Policy SP/10 area as opposed to its holistic redevelopment, and whilst this could be interpreted as a policy conflict, it has been set out that this housing delivery / restriction policy is out of date therefore greater weight should be attached to the overall sustainability benefits of the application proposals.
46. Papworth Everard is identified as a Minor Rural Centre under Policy ST/5 of the LDF Core Strategy and as a Minor Rural Centre under Policy S/9 of the emerging Local Plan where there is a good range of services and facilities, public transport provision and accessibility to employment opportunities. Policy ST/5 of the adopted Core Strategy offers support to residential development and redevelopment up to an

indicative maximum scheme size of 30 dwellings within the village framework. Policy S/9 of the emerging Local Plan supports residential developments up to an indicative maximum scheme size of 30 dwellings, within the development frameworks of Minor Rural Centres. The erection of 4 apartments would therefore be consistent with the scale and amount of residential development normally supported in such locations and thus is considered to be acceptable in relation to this tier of the settlement hierarchy, set out within both the existing and emerging Development Plans. Papworth Everard is a sustainable location which is capable of accommodating this level of additional housing. Therefore substantial weight can be applied to policy ST/5 of the adopted Local Plan and Policy S/9 of the emerging Local Plan.

### **Deliverability**

47. There are no known technical constraints to the site's delivery. Officers are therefore of the view that the site can be delivered within a timescale whereby significant weight can be given to the contribution the proposal could make to the 5 year housing land supply.

### **Sustainability of Development**

48. The NPPF states that there are 3 dimensions to sustainable development, economic, social and environmental. The aspects are considered in the assessment of highlighted issues below.

#### **Economic**

49. The provision of 4 new apartments 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**

50. The development would provide a clear benefit in helping to meet the current housing shortfall in South Cambridgeshire through delivering 4 residential apartments. 40% of these units will be affordable (2 units), to be provided on-site by a Registered Local Provider. Officers are of the view the provision of 4 apartments, including the affordable dwellings, is a benefit and significant weight should be attributed to this in the decision making process.

#### **Environmental**

##### Trees/Landscaping

51. The site contains a small number of mature trees, including a protected tree on the site frontage. At the time of writing this report the formal response from the Council's Tree section is awaited, however the application proposals seek to safeguard and retain the existing mature trees. A new mature hedgerow is also proposed to complement the existing frontage trees.
52. The application is supported by an arboricultural assessment. Planning conditions are recommended to ensure appropriate tree protection measures are installed during the construction phase, to agree landscaping for the site and to ensure replacement planting if required.

The retention of mature trees and provision of additional planting should also be regarded as valuable biodiversity management and enhancement for the site.

### **Loss of Community Facility**

53. At a national planning policy level there is clear and strong support for promoting healthy communities, with paragraph 69 of the NPPF calling upon the planning system to facilitate social interaction and the creation of healthy, inclusive communities and paragraph 70 seeking to deliver the social, recreational and cultural facilities and services the community needs. To facilitate this, planning policies and decisions should, amongst other things, plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities, and guard against the unnecessary loss of valued facilities and services.
54. At a local level, Policy SF/1 of the Development Control Policies DPD states that planning permission will be refused for proposals which would result in the loss of a village service, including village pubs, shops, post offices, community meeting places or health centres, where such a loss would cause an unacceptable reduction in the level of community or service provision in the locality. The following matters will be considered in determining the significance of the loss: -

#### The established use of the premises and its existing potential contribution to the social amenity of the local population

55. The existing use of the building is a 1960's origin church and church hall. The building has been closed, boarded up and inaccessible to the community since 2007. It is in a considerable state of disrepair. A structural survey report supports the current application and demonstrates that to return the building to an acceptable and viable condition would require considerable repair and upgrading works at considerable and disproportionate cost.
56. If someone was prepared to invest considerably in regenerating the building it is possible that it could once again make a valuable contribution to the social amenity of the community, but having regard to its age, condition and the associated cost, a judgement needs to be reached as to whether such an outcome is realistic, and the likely time scale involved. Taking account of the conclusions and recommendations of the structural survey report it is considered highly unlikely that there would be any forthcoming interest / investment to repair and upgrade the existing building and return it to community use. Its likely potential future contribution to local social amenity is therefore considered to be limited.

#### Assets of Community Value

57. The Localism Act, ("the Act"), 2011 introduced the Assets of Community Value (England) Regulations 2012. The provisions give local groups a right to nominate a building or other land for listing by the local planning authority as an asset of community value. It can be listed if a principal ("non-ancillary") use of the asset furthers (or has recently furthered) their community's social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future. When a listed asset is to be sold, local community groups will in many cases have a fairer chance to make a bid to buy it on the open market. The Regulations require that the owner of an asset on the list must notify the Council before making it available for sale or lease and community groups will have an

opportunity to register a potential bidder.

58. Checks have been undertaken and the building the subject of this application is not on the Council's List of assets of Community Value.
59. It should be made clear that the Regulations set out a number of exceptions. These include disposals of closed Church of England Churches under Part 6 of the Mission and pastoral Measure 2011. As such, in the case of the application building, which is a church, it is unlikely that the Regulations would apply in any case.

The presence of other village services and facilities which provide an alternative with convenient access by good local public transport services, or by cycle and walking

60. The applicant has outlined that there are a number of other similar community meeting room facilities and religious buildings in the village which would compensate for the loss of this particular community asset, including 2 churches (St Peters and the Vinter Room), 4 sports clubs, a library opposite the site and a large recently refurbished village hall, all of which are at convenient and accessible locations. Taking account of this local provision and the fact that the facility has been closed for 10 years, with no compelling community action to seek its repair and re-opening, it is considered that there are a number of reasonable, convenient and accessible alternatives capable of absorbing and compensating for what appears to be the inevitable loss of this facility.

The future economic viability of the use including, in appropriate cases, financial information and the results of any efforts to market the premises for a minimum of 12 months at a realistic price

61. The applicant has not provided any evidence of a marketing exercise, however a recent structural survey report has been submitted which outlines that the building displays several significant defects necessitating extensive refurbishment, including re-rendering, re-roofing, removal of internal asbestos cement boarding, new insulation, replacement services (wiring and plumbing), new windows, and new rainwater goods. Internally it also the case that all internal furniture, fixtures and fittings have been removed and these would need to be replaced, and internal redecoration undertaken. It is considered that costs associated with such extensive works would be prohibitively extensive and thus the prospect of the historic community use being reinstated is not considered to be viable. The demolition and rebuild option being proposed by this current application is therefore considered to be a reasonable one.

### **Impact on Character and Appearance of Conservation Area**

#### Conservation Area

62. In relation to preserving the character and appearance of Conservation Areas Section 72(1) of the Act provides:

“ . . . special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”
63. Paragraph 132 of the NPPF, in the section dealing with the conservation and enhancement of the historic environment, states:

“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”.

64. 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.
65. 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”.
66. Recent planning case law has confirmed that paying “special attention” to the desirability of preserving or enhancing the character and appearance of a conservation area under section 72, 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 Conservation Areas means doing no harm.
67. Moreover, there is a statutory presumption, and a strong one, against granting planning permission for any development which would fail to preserve the character or appearance of a conservation area. A finding of harm to a conservation area 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.
68. In the context of considering this application, a judgement must be made as to whether the development proposals would cause any harm to Papworth Everard Conservation Area, having regard to the statutory duty to have special regard to the desirability of preserving character and appearance.
69. 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.
70. The application site is located in the designated Conservation Area. The existing church building is a rather ordinary, utilitarian looking structure of 1960’s origin. It does not possess any obvious, unique or distinctive architectural or historic interest and it is not a Listed Building. It is in a dilapidated condition and is boarded up and is an inactive building. Given its ordinary design, poor quality condition and appearance and inactive use it is considered that the building should not be regarded as performing a positive role in terms of defining the character and appearance of the Conservation Area. In fact, it is considered that the building exerts a negative and harmful impact on the character and appearance of the heritage asset, therefore the proposed demolition and replacement with a quality new building, set within the retention of the

existing mature trees on the site frontage is considered to represent a significant planning gain and enhancement of the heritage asset.

71. It is considered that the proposed enhancement of the Conservation Area Heritage Asset should be classed as a significant material planning consideration to which great weight should be attached.

#### Archaeology

72. The application site is in an area of known archaeological sensitivity.
73. The County Archaeologist has been formally consulted and has no objections subject to a standard condition requiring implementation of a programme of archaeological work in accordance with a written scheme of investigation.

#### **Access and Parking**

74. The existing church building has an existing vehicular access onto Ermine Street North. This is to be closed off and a new vehicular access proposed at the southern end of the frontage to avoid the mature trees.
75. The new access will be accessed through an existing small on-street lay-by which provides on-street parking for approximately 6 cars. One or two of these on-street spaces would be lost to ensure the access is not blocked, but 3 / 4 spaces would be left over for continued on-street parking
76. Parking is proposed in an informal parking court to the front and sides of the building behind the mature trees.
77. The Parish Council has expressed concerns about the loss of on street parking in the existing lay-by and about potential conflict with the nearby pelican crossing point. They also consider that the proposed parking to the front of the building is undesirable, as it would be exposed in the street scene views. Furthermore, they consider that access to the site should be gained from Elm Way to the rear and they have concerns about conflict with the footpath connecting Elm Way to Ermine Street North.
78. The Highways Authority has considered the application and raises no objections subject to the imposition of conditions regarding provision and maintenance of visibility splays, the falls, levels and construction of the proposed access, submission of a traffic management plan and permanent closure of the existing vehicular access. The proposal is thereby acceptable in this regard.
79. The concerns of the Parish are noted, however the proposed access will result in only a minor loss of on-street parking in the existing lay-by.
80. With regards conflict with the pelican crossing, the Highway Authority does not consider that there would be any conflict. It is the case that the church building would have generated its own traffic movements historically and a modest development of 4 apartments is likely to generate less traffic than the existing land use, therefore conflict with the crossing is not considered to be a material highway concern.
81. With regards the off-street parking provision to the sides and front of the building, this is considered to be reflective of other similar examples. Set behind the mature frontage trees and supplementary new frontage hedge, this parking will be less

exposed than the current on-street parking in the lay-by which the Parish Council is keen to see retained.

82. The request by the Parish Council for the access to be taken from the rear is noted, however the local planning and highway authorities must judge the merits of the access proposals presented and in this case the proposed access from Ermine Street North is considered to be acceptable and no different to the existing community building. The applicant has also pointed out that access from Elm Way is not an option because the point of contact with Elm Way comprises third party land which is not within the applicant's ownership or control.
83. In relation to the existing connecting footpath between Elm way and Erime street North there will be no conflict. This footpath will be left intact and so the proposals will have no impacts on its continued use and enjoyment.
84. Overall there are considered to be no highway reasons to warrant refusal of the application.

### **Design Considerations**

85. Section 7 of the National Framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, paragraph 58 of the NPPF states that developments should, amongst other things, add to the overall quality of the area, establish a strong sense of place, respond to local character and history, reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation, and be visually attractive with appropriate landscaping.
86. The layout and design proposals are considered to be satisfactory and should be regarded as a considerable improvement in townscape and visual amenity terms, replacing the poor quality, dilapidated eyesore of a building with a quality new building, reflective of an in keeping with the scale, orientation and detailed design and appearance of neighbouring new developments.
87. The spaces around buildings and the landscaping of sites also make an important contribution to the design quality of development sites and in this regard the proposals seek to retain the existing mature trees and absorb the new building into this existing mature sylvan context.
88. Conditions are advised to agree details of materials, hard and soft landscaping and boundary treatments to ensure a quality built environment will be delivered.

### **Housing Density**

89. The site measures 0.1 hectares in area. The development equates to a density in the region of 40 dwellings per hectare, which is considered to represent an effective and efficient use of previously developed land at a sustainable, accessible location, in accordance with the requirements of Policy HG/1 of the LDF.

### **Housing Mix**

90. The application is only modest in terms of unit numbers and thus it is difficult to deliver a mix of property sizes in this case. It is considered that the provision of 4 no. 2-bed

properties will provide some smaller house types which will be attractive to the market, thus there is considered to be no material conflict with the requirements of Policy HG/2 of the adopted Local Plan and Policy H/8 of the emerging Local Plan. The apartments accord with Policy H/11 Residential Space Standards for Market Housing in the emerging Local Plan.

### **Affordable Housing**

91. Policy HG/3 of the adopted Development Plan seeks the provision of 40% affordable housing on residential development schemes of 2 or more dwellings. Policy H/9 of the emerging Local Plan seeks provision of 40% affordable housing on schemes of 3 or more. The application therefore triggers provision of affordable houses based on adopted and emerging policy. The submission proposes on-site delivery of affordable housing, comprising of 2 units. The applicant is committed to meeting this obligation and has commenced discussions with Registered Providers, with firm interest expressed from at least one provider. A legal agreement will be needed to ensure delivery of a satisfactory scheme of on-site affordable housing.

### **Impacts on Trees**

92. The application site contains a number of mature trees, notably along the Ermine Street North frontage, including a protected tree. The application is supported by an arboricultural assessment by a suitable qualified tree consultant. At the time of writing this report the formal response of the Council's tree officer is awaited. The application makes it clear that the existing mature trees are to be retained and the proposals can be accommodated on the site without significant or harmful encroachment into root protection areas. Conditions will be needed to agree routes for services, tree protection measures during construction and non-dig construction methods where development of the frontage parking is partially proposed in the root protection areas.
93. It should be noted that the proposed building will be located further back into the site than the existing building and thus the building will have an improved physical relationship with the mature trees than is currently the case.
94. Members will be updated at the committee meeting with the formal comments of the tree officer.

### **Residential Amenity**

95. Overall, the submitted drawings demonstrate that the site is capable of accommodating the proposals without having any adverse effects on residential amenity through overlooking or overbearing impact, as required by the relevant amenity criteria of policy DP/3 of the Local Development Framework.
96. The siting and orientation of the development is such that there will be good separation distances from neighbouring properties and no opportunities for overlooking.
97. Conditions are recommended to protect existing residents during the construction phase and future residents. PD rights should also be removed for new first floor windows in the northern and southern elevations to prevent overlooking of existing neighbouring properties.
98. The residents of the new apartments will be served with good quality living environments and aspects, including provision of private and communal amenity



areas and safe and convenient off-street parking.

### **Developer Contributions**

99. The new development would put extra demand on open space and community facilities in Papworth Everard.
100. Recent Government advice (issued through the National Planning Practice Guidance) has led to confusion over the ability of local planning authorities to seek financial contributions. That advice has now been largely cancelled as a result of the recent judicial review decision, which allows the payment of contributions to continue in appropriate cases. However, Papworth Everard is one of the villages that has pooled five or more offsite public open space contributions and as such any further request would not be Community Infrastructure Levy (CIL) compliant unless there is a specific need for contributions to make the development acceptable in planning terms. The more informal policy on indoor community facilities is also lacking when considering the CIL.
101. In this case, there is not considered to be a specific need in order to mitigate the impact of the development and contributions are not therefore sought.

### **Conclusion**

102. 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:

#### Core Strategy

ST/2 (Housing Provision),  
ST/3 (Re-Using Previously Developed Land and Buildings)  
ST/5 (Minor Rural Centres)

#### Site Specific Policies

SP/10 Papworth Everard Village Development

#### Development Control Policies

DP/1 Sustainable Development  
DP/7 Development Frameworks  
HG/1 Housing Density  
CH/2 Archaeological Sites  
CH/5 Conservation Areas

#### Emerging Submission Local Plan

S/7 (Development Frameworks)  
S/9 (Minor Rural Centres)  
H/7 (Housing Density)  
H/3 Papworth Everard West Central

103. 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.

104. The application does exclusively propose housing in the Site Specific Policy SP/10 area of Papworth Everard where the policy seeks to deliver mixed uses including employment and community uses in addition to housing. This is considered to be a housing supply and restriction policy which is not considered up to date; therefore only limited weight should be applied to this policy objective. Conversely, the current shortfall in housing land supply means that greater weight should be applied to the presumption in favour of sustainable development and in this case there are considered to be several sustainability benefits which collectively override the loss of the existing community facility, as follows: -
- i) The provision of 4 additional dwellings and their contribution towards the 1400 dwellings required to achieve a 5 year housing land supply in the district based on the objectively assessed 19,000 dwellings target set out in the SHMA and the method of calculation and buffer identified by the Inspector in the recent Waterbeach Appeal decisions.
  - ii) The provision of 2 affordable dwellings towards the need of 1,700 applicants across the district, to be secured off-site through a commuted sum.
  - iii) The reuse of previously developed land at a highly accessible and sustainable location.
  - iv) Significant enhancement of the Conservation Area by virtue of the removal of an unsightly and un-used and inactive building;
  - v) Employment during construction to benefit the local economy.
  - vi) Greater use of local services and facilities to contribute to the local economy and improve their sustainability.
105. The adverse impacts of this development identified by the Parish Council, namely loss of a valued community facility, access constraints and loss of on-street parking provision are noted. However, in light of the current shortfall in housing, the existence of other convenient and accessible alternative community facilities, the positive enhancement to the Conservation Area, the re-use of previously developed land at an accessible and sustainable location and the provision of affordable housing, on balance, are considered sufficient to outweigh the loss to the community of the existing building.
106. Planning permission should therefore be granted because material considerations clearly outweigh the harm identified and the conflict with out of date policies of the LDF relating to housing delivery.

### **Recommendation**

107. Delegated approval be granted subject to::

108. **Conditions**

- (i) **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**

(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)Approved Plans.

- (ii) **The development hereby permitted shall be carried out in accordance with the following approved plans:**

- 15-7026-01 – Location Plan;
- 15-7026-02-D – Site Plan;
- 15-7026-14 – Street Scene;
- 16-7026-12-A – Proposed Drawings.

(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

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

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

- (iv) **No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.**

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

- (v) **All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.**

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

- (vi) **In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from [the date of the first occupation of the dwellings hereby approved].**

**(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant British Standard.**

**(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.**

**(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.**

(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)

**(vii) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is occupied in accordance with the approved details and shall thereafter be retained.**

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

**(viii) Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority.**

(Reason - To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

**(ix) Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any**

**part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.**

(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.) Falls and Levels and Drainage and Construction of Access Road

- (x) Development shall not begin until a detailed surface water drainage scheme for the site, based on the submitted Flood Risk Assessment (FRA) dated February 2016 (ref:33928 Rev B) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

(Reason - To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity, in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

- (xi) Prior to the first occupation of the development, visibility splays of 2.4 metres by 43 metres shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan No: 15-7026-02-D. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.**

(Reason – In the interests of highway safety).

- (xii) Two 2.0 x 2.0 metres pedestrian visibility splays shall be provided within the curtilage of the new flats. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.**

(Reason – In the interests of highway safety).

- (xiii) The proposed access shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.**

(Reason – For the safe and effective operation of the highway).

- (xiv) The proposed access shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.**

(Reason – In the interests of highway safety).

- (xv) The existing access to St Francis of Assisi Roman Catholic Church shall be permanently and effectively closed off and the footway / highway verge shall be reinstated in accordance with a scheme to be agreed in writing with the local planning authority, within 28 days of the bringing into use of the new access.**

(Reason - In the interests of highway safety)

- (xvi) No demolition or construction works shall commence until a traffic management plan has been agreed with the Local Planning Authority. The principal areas of concern that should be addressed are: -**

- (1) Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway).**
- (2) Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on street.**
- (3) Movements and control of all deliveries (all loading and unloading should be undertaken off the public highway).**
- (4) Control of dust, mud and debris).**

**(Reason – In the interests of highway safety).**

- (xvii) No demolition, construction work and or construction related dispatches from or deliveries to the site shall take place other than between the hours of 0800 – 1800 Monday to Friday, 0800 – 1300 Saturday and at no time on Sundays or Bank or Public Holidays unless otherwise approved in writing by the local planning authority.**

**(Reason – In the interests of residential amenity).**

- (xviii) 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 from noise or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5528, 2009 – Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 – Noise and 2 – Vibration (or as superseded). Development shall be carried out in accordance with the approved details.**

**(Reason – To protect the amenities of nearby residential properties in accordance with South Cambridgeshire Local Development Framework Development Control Policies 2007, Policy NE/15 – Noise Pollution, NE/16 – Emissions and DP/6 – Construction Methods).**

- (xix) No development shall take place on the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.**

**(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)**

- (xx) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any**

**order revoking and re-enacting that Order with or without modification), no new window openings shall be created at first floor level and above in the northern and southern elevations of the building hereby approved, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**

(Reason - In the interests of residential in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

**109. Requirements under Section 106 of the Town and Country Planning Act 1990**

(a) Affordable housing

**110. Informatives**

The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway. A separate permission must be sought from the Highway Authority for such works.

**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.

- National Planning Policy Framework (NPPF)
- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014

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