

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 September 2016

AUTHOR/S: Head of Development Management

Application Number: S/2921/15/OL

Parish(es): Willingham

Proposal: Outline Proposal for Erection of 26 Dwellings including 10 Affordable Units & Ancillary Access Arrangements (All matters reserved apart from access)

Site address: Land South of 1b Over Road, Willingham, Cambridge, Cambridgeshire, CB24 5EU

Applicant(s): Mr Ernest Wynn

Recommendation: Approval

Key material considerations: Housing Land Supply
Planning Policy and Principle
Design Considerations
Density
Housing Mix
Affordable Housing
Landscape and Visual Amenity
Impacts on Trees
Residential Amenity
Access and Highway Safety
Archaeology
Ecology
Flood Risk and Drainage
Contamination
Developer Contributions

Committee Site Visit: 6 September 2016

Departure Application: Yes

Presenting Officer: Thorfinn Caithness, Principal Planning Officer

Application brought to Committee because: The application proposal raises considerations of wider than local interest and approval would represent a departure from the Local Plan

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

Executive Summary

1. This proposal, as amended, seeks permission for a residential development outside the

Willingham village framework and in the countryside. This development would not normally be considered acceptable in principle as a result of its out of village framework location. However, the Council acknowledges at present it cannot currently demonstrate a five-year housing land supply and so our housing supply policies must be considered out of date. In light of a recent High Court decision, the Local Planning Authority must determine the appropriate weight to apply to out of date policies relevant to their planning function. The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development, and as such policies that seek to guide development to the most sustainable locations have a clear planning function. Where relevant policies are out of date, the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh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.

2. In light of the lack of five-year housing land supply and having regard to recent local appeal decisions, the rural settlement policies are considered to continue to have significant weight in the determination of planning applications adjacent to or within close proximity to village frameworks. This will help ensure that development proposals outside and in close proximity to village frameworks have due regard to the availability of an appropriate level of services, facilities, employment and sustainable transport options. For Rural Centres and Minor Rural Centres, subject to all other relevant material considerations, it is considered that there is a case to be made that conflict with those policies should not be given significant weight, under the circumstances of a lack of five-year housing supply. Subject to other material considerations, this would mean in principle that the Council may grant permission for development in and adjacent to our larger villages. This is in the context of paragraph 14 of the NPPF and the test that permission should be granted unless there would be evidence of significant harm. This is consistent with local appeal decisions in this category of village since the lack of five-year supply.
3. The application seeks outline planning permission for the erection of 26 (no.) dwellings, including 10 (no.) affordable units and associated access and infrastructure. All matters are reserved at this stage, except for access, which is to be formally determined. Other matters, namely layout, scale, appearance and landscaping are reserved for a later application(s). An indicative proposed site plan has been submitted to show how a development of 26 (no.) houses, with associated roads, gardens, parking and on-site equipped children's play space could be accommodated.
4. The application site is located outside, but contiguous with the Willingham village framework on a greenfield site in the open countryside. Part of the site (to the North and East sides) is within Flood Zones 2 and 3. The development would not normally be considered acceptable in principle when set against current adopted policy as a result of its open countryside location and flood risk constraints. Weight must also be attached to the fact that, in flood risk terms, there are no other sequentially preferable sites of comparable area or unit size. Moreover, the site can be made safe from the effects of flooding over the lifetime of the development without causing an increased risk of flooding to other land and property.
5. Due regard has been given to impacts including landscape character and visual amenity, residential amenity, access and highway safety, flood risk and drainage, trees, ecology, archaeology and developer contributions in the assessment of this proposal. Overall, taking account of the range and scale of services and facilities available in Willingham, including convenient accessibility to public transport, and in the context of a lack of five-year supply, the departure to policy due to the location of development proposed by this application adjacent to the village framework is justified as it would not

cause significant demonstrable harm. The application is therefore recommended for approval.

Site and Surroundings

6. The application site is located on the South Western edge of Willingham village, to the South of Over Road. The site conforms well to the prevailing pattern of built development, with houses to the North on Over Road, the East on Station Road and the West on Hayden Way. To the South, beyond a boundary of mature hedgerow and trees is open countryside, consisting of paddocks and fields.
7. The site comprises an area of 0.924 hectares of flat land of rectangular shape situated in a back land position behind residential properties fronting Over Road.
8. The characteristics of the site consist of a large, flat, open paddock which is overgrown in places. There are mature hedges and trees, particularly along the eastern and southern boundaries. The West boundary is more exposed in places. The Northern boundary is mixed in nature, consisting of the varied boundary treatments to the rear gardens of properties fronting Over Road.
9. The site is accessed from Over Road to the North between two existing residential properties. This access is unmade and is presently overgrown with tall grasses and shrubs.
10. To the West side of the site there are a number of long, low glasshouses running North to South. These glasshouses are in a dilapidated state and thus the nursery land use which once operated from the site has clearly not done so for many years.
11. The site is located in the open countryside, outside of the defined framework for Willingham village. The site is however contiguous with the village framework boundary, which runs along the northern, eastern and western boundaries of the site.
12. Policy ST/5 of the adopted Core Strategy classifies Willingham as a 'Minor Rural Centre', wherein residential development and redevelopment up to an indicative maximum scheme size of 30 dwellings will be permitted within the village framework. The site lies outside of the village framework.
13. Part of the application site to the North and east is located within Flood Zones 2 and 3. This includes the access into the site from Over Road. Flood Zone 3 is located to the North and North East sides, cascading down to Flood Zone 2 towards the centre and extreme South East side and Flood Zone 1 to the centre and South West side.
14. The submitted indicative site plan identifies 3m electricity easements along parts of the Eastern and Western boundaries and along the full extent of the Southern boundary.
15. The site is not located within a designated Conservation Area and there are no Listed Buildings or Scheduled Ancient Monuments adjacent to the site. Moreover, the site is not ecologically sensitive and does not fall within or adjacent to any international, national or local natural environment designations.

Proposals

16. The application is the subject of a pre-application enquiry dated January 2015. The

advice of officers was that given the inability of the Council to demonstrate a 5-year land supply, the proposal would be assessed in accordance with paragraph 14 of the National Planning Policy Framework, which sets out a presumption in favour of sustainable development. For decision-taking this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

17. Whilst officers were unable to give a definitive view as to the likely recommendation, the advice given confirmed that the site is well related to the built-up area of the village and to existing services. Officers also advised that flood risk, access, impact on the character of the village, residential amenity and the required developer contributions would be the key material planning considerations. The advice was given with the usual caveat that it should not bind the authority to any particular decision on any planning application that may be submitted and which would be subject to publicity and consultation.
18. The application comprises an outline submission which seeks to establish the principle of residential development, consisting of 26 (no.) dwellings and associated works. 10 (no.) of the proposed houses will be affordable homes. The tenure split would be 70 / 30 between rented and shared ownership
19. Access to the site from Over Road to the North is to be formally considered at this stage. Other matters, namely Layout, Scale, Appearance and Landscaping are reserved and are therefore not to be considered under this application.
20. The scheme proposes a density in the region of 25 / 30 dwellings per hectare.
21. The site will be served by a single access from Over Road. This will require improvements and upgrading works to the existing field / access from Over Road to the North, which has historically served the nursery land use operating from the site. 2.4m x 45m visibility splays will be provided to both sides of the Over Road access.
22. The application seeks only to agree the access arrangements into the site off Over Road. The internal site access layout and design may be subject to change and will be considered at reserved matters stage when the detailed within site layout is considered. The indicative site layout does however show that the site has capacity to accommodate access to serve 26 properties, combined with space for turning and manoeuvring for refuse and emergency vehicles and off-street parking provision for cars.
23. The proposals will necessitate the removal of some existing glasshouses, however the existing site is largely Greenfield and undeveloped and therefore contamination is not considered to be a significant site constraint.
24. Whilst layout, scale, appearance and landscaping are currently reserved, the indicative proposed site layout, accommodation schedule and landscaping scheme illustrates that the site can accommodate a good mix of property types and sizes, including affordable houses, combined with space for on-site equipped children's play space, acceptable separation distances from existing neighbouring properties, a good sense of space within the site itself and space to accommodate high quality supplementary landscaping combined with the retention of the better quality existing mature boundary trees and hedges.

25. Foul water will discharge to the main sewer. Surface water will discharge to an existing watercourse (Dockerel Drain) at a restricted rate, utilising a combination of within-site permeable paving, swales and a bio-retention basin.

26. **Planning History**

PRE/0027/15 – Outline for Residential Development – Answered 26 March 2015.

Planning Policy

27. 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

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

Development Plan Policies

29. **South Cambridgeshire LDF Core Strategy DPD, 2007**

ST/2 Housing Provision
ST/5 Minor Rural Centres

30. **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/10 Outdoor Playspace, 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/11 Flood Risk
CH/2 Archaeological Sites
TR/1 Planning For More Sustainable Travel
TR/2 Car and Cycle Parking Standards

31. **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

32. 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
CC/9 Managing Flood Risk
HQ/1 Design Principles
NH/2 Protecting and Enhancing Landscape Character
NH/4 Biodiversity
NH14 Heritage Assets
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
H/11 Residential Space Standards for Market Housing
SC/4 Meeting Community Needs
SC/6 Indoor Community Facilities
SC/7 Outdoor Play Space, Informal Open Space and New Developments
SC/12 Contaminated Land
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments

Consultation

33. Willingham Parish Council

General – The Parish Council makes no recommendation but requests a thorough review by highways given existing issues with parking on Over Road, the approval of another development of 12 dwellings within fifty metres, the proximity of traffic lights at a junction onto the B1050 and current congestion problems.

Parish Council Tree Officer

- There are no trees within the site that pose a constraint to the development.
- There are trees on adjacent land which should be taken into consideration and protected during the construction period.
- The boundary hedges are an important feature and should be retained.
- The landscaping should incorporate the existing planting into the site to help assimilate it into the area.

- The existing hedgerows should be reinforced by filling in the gaps with the same plants.
 - Additional tree planting should reflect the existing native species, including fruit and ornamental trees.
34. **Local Highways Authority** - No objections subject to conditions relating to the following: -
- Provision and maintenance of vehicular 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.
 - Traffic Management Plan to be submitted and agreed.
35. The Highway Authority has severe reservations with regards to connectivity within the site as shown on the indicative masterplan. The Highway Authority has a hierarchy which places pedestrian at the top of that hierarchy. The Highway Authority strongly recommends that the applicant engage with the Council's Urban Design Team and the Highway Authority to progress a more suitable internal layout, including satisfactory off-street parking provision.

36. **Environmental Health**
Contaminated Land

The application site is a former nursery. The activities carried out have the potential to cause contamination that would be unacceptable for future residents. The Phase 1 has identified this and proposes further Phase 2 investigation, with which we agree. We would like to see consideration of the ground conditions over the site, in particular the proposed garden areas. This can be secured using a standard planning condition.

Noise / Vibration

Conditions are advised with respect to hours of construction and deliveries, pile foundations and an overarching construction environmental management plan.

Impacts of Traffic Noise on Future Occupants

No objection subject to informative regarding insulation of the new properties.

Impacts of Traffic Noise on Existing Residents

Consideration should be given to the impact of traffic noise on existing neighbouring residents, notably those either side of the proposed access, but also those on High Street and Over Road.

Air Quality

Consideration should be given to the potential air quality impacts of the proposed development.

Artificial Lighting

A pre-commencement condition is recommended, requiring submission and agreement in writing of an artificial lighting scheme, to include details of all proposed

external lighting.

Health Impact Assessment

Assessed as Grade B, which is acceptable. The proposals will not have any significant impacts on public health.

Waste

It is understood that the legal agreement will secure a financial contribution towards the provision of domestic waste storage containers. There is also a standard provision within the section 106 legal agreement for street furniture, litter bins, dog bins, recycling bins, and the use of tree guards and pits.

Surface Water Drainage

Consideration should be given to the use of SUDS, surface water drainage and flood risk. The Environment Agency and County Council should be consulted.

Renewable Energy

The following technologies are considered viable for this site: -

- Solar panels
- Solar hot water heating
- Ground source heat pumps
- Air source heat pumps.

A condition is recommended regarding assessments of noise impacts from plant or equipment, including renewable energy.

Overall

No objections subject to conditions and informatives.

37. **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.
38. **Urban Design Officer** - No objections. The overall density of 28dph is low but acceptable given the site constraints (proximity to existing housing and limited access opportunities). The indicative layout plan requires significant improvement, which can be addressed at the reserved matters stage. The reserved matters application should be presented to the Design Enabling Panel.
39. **Trees and Landscape Officer** - No objections. The site is visually contained by existing vegetation and residential development will not have adverse visual effects, however it is recommended that the layout and design is revisited prior to submission of reserved matters. Conditions are advised with respect to hard and soft landscaping, cycle parking, boundary treatments and bin storage.
40. **Ecology Officer** - No objections. The application is supported by an ecological assessment which did not identify any biodiversity constraints. I support the protection of hedgerows, gapping-up and the reinstatement of species rich

grassland. Conditions are advised with respect to securing a scheme of ecological enhancement and to control the removal of vegetation during the bird breeding season.

41. **Cambridge County Council Drainage Team** - No objections. The applicant has satisfactorily demonstrated that surface water can be dealt with by using a variety of SuDS features, including permeable surfacing, swales, bio-retention and a detention basin. A discharge rate of no greater than 2.0 l/s for the site has been proposed. The applicant has therefore met the requirements of the NPPF and the Lead Local Flood Authority. Conditions and informatives are recommended to secure submission and agreement of a detailed surface water drainage scheme for the site, including long term maintenance.

42. **Anglian Water**
Foul Water

The local sewerage system at present has available capacity for the predicted flows via a gravity connection.

Surface Water

The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

43. **Environment Agency**

Sequential Test

According to our current Flood Map, a large part of the site is located within Flood Zone 3. We have reviewed the Dockerel Drain modelling report submitted as part of the Flood Risk Assessment, which suggests that none of the site is located in Flood Zone 3, however we would only update our flood map if the applicant were to request an 'evidence based review'. As it is unlikely that our Flood Map would be updated, we recommend that the current flood zones shown on our Flood Map are used to decide whether the Exception Test is needed.

The local planning authority should determine whether the proposal passes the Sequential Test before considering whether it passes the Exception Test.

No objections subject to implementation in accordance with the amended Flood Risk Assessment, Reference: 33928 Rev B, dated February 2016, which stipulates finished floor levels to be 6.20m AOD. This should be secured by planning condition.

The views of the Council's Environmental Health Department should be sought with respect to potential contamination risks.

Conditions and informatives are advised with respect to the discharge of foul and surface water disposal.

44. **Cambridgeshire County Council Education Authority** - The development is expected to generate a net increase of 5 primary education aged children and currently there is insufficient capacity in Willingham Primary School. Developer contributions are therefore required to contribute to the provision of an extension to the local primary school.

Developer contributions are also required with respect to libraries and lifelong

learning and section 106 monitoring fees.

Developer contributions with respect to strategic waste are not required because sufficient contributions have already been pooled from Northstowe.

Representations

45. 5 letters of representation have been received from local residents. The following concerns and objections have been raised:
- i) Increase in traffic and on-street parking on the already congested Over Road.
 - ii) The site is located outside of the village boundary.
 - iii) Flooding – the site flooded in 2000. Development of the site will increase the risk of flooding to others.
 - iv) Overlooking and loss of privacy to existing neighbouring residents.
 - v) Concerns about noise from the on-site children's play space;
 - vi) General concerns about increase of noise nuisance and disturbance
 - vii) Loss of light from new tree planting.
 - viii) The majority of the site is greenfield not brownfield.
 - ix) The affordable housing should be distributed throughout the site, not concentrated into one area.

Planning Assessment

46. 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.
47. 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.
48. The application has been advertised as a development that does not accord with the Development Plan.
49. The key issues in relation to this application are considered to be Housing Land Supply, Planning Policy and Principle, Design Considerations, Density, Housing Mix, Affordable Housing, Landscape and Visual Amenity, Residential Amenity, Access and Highway Safety, Archaeology, Ecology, Flood Risk and Drainage, Contamination and Developer Contributions.

Principle of Development

Housing Land Supply

50. The National Planning Policy Framework (2012) (NPPF) requires councils to boost significantly the supply of housing, including by meeting their objectively assessed need for housing and by identifying and maintaining a five-year housing land supply with an additional buffer as set out in paragraph 47.
51. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having regard to appeal decisions in Waterbeach in 2014, and as confirmed by more recent appeal decisions. The five-year supply as identified in the latest Annual Monitoring Report (February 2016)

for South Cambridgeshire is 3.9 years on the basis of the most onerous method of calculation, which is the method identified by the Waterbeach Inspector. This shortfall is based on an objectively assessed housing need of 19,500 homes for the period 2011 to 2031. This is identified in the Strategic Housing Market Assessment 2013 together with the latest update undertaken for the Council in November 2015 as part of the evidence responding to the Local Plan Inspectors' preliminary conclusions. It uses the latest assessment of housing delivery contained in the housing trajectory November 2015. The appropriate method of calculation is a matter before the Local Plan Inspectors and in the interim the Council is following the method preferred by the Waterbeach appeal Inspector.

Paragraph 49 of the NPPF states that adopted policies "for the supply of housing" cannot be considered up to date where there is not a five year housing land supply. This includes the rural settlement policies and village framework policy.

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 as 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.

In the case of this application, policies which must be considered as potentially influencing the supply of housing land include ST/2 and ST/5 of the adopted Core Strategy and adopted policies DP/1, DP/7, CH/3, CH/5, NE/4, NE/6 and NE/17 of the adopted Development Control Policies. Policies S/7, S/9, HQ/1 and NH/3 of the draft Local Plan are also material considerations and considered to be relevant (draft) policies for the supply of housing.

However the Court also made clear 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 be attached to such relevant policies having regard to compatibility with the NPPF.

The rural settlement classification in the adopted and emerging development plans identifies the sustainability of villages in South Cambridgeshire, having regard to the level of services and facilities within a village and the availability and frequency of public transport to access higher order services in Cambridge and elsewhere. They are a key factor in applying paragraph 14 of the NPPF which says that where a five-year supply cannot be demonstrated, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. The NPPF also includes as a core principle that planning should "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".

In light of the lack of five-year housing land supply and having regard to recent local appeal decisions, the rural settlement policies are considered to continue to have significant weight in the determination of planning applications adjacent to or within close proximity to village frameworks. This will help ensure that development proposals outside and in close proximity to village frameworks have due regard to the

availability of an appropriate level of services, facilities, employment and sustainable transport options.

58. As a general principle, the larger, better served villages categorised as Rural Centres and Minor Rural Centres are likely to be more able to support unplanned housing growth than the smaller, less well served Group and Infill Villages, without fundamentally undermining the development strategy for South Cambridgeshire. This has some commonality with the approach taken in the submitted Local Plan where a limited number of housing allocations in the rural area were included for Rural Centres and Minor Rural Centres, including for larger sites that the windfall threshold in Minor Rural Centres, but no allocations for Group and Infill Villages other than a very limited number where they were put forward by Parish Councils under the Localism agenda.
59. As such, in Rural Centres and Minor Rural Centres, subject to all other relevant material considerations, it is considered that there is a case to be made that conflict with relevant settlement hierarchy policies should not be given significant weight, under the circumstances of a lack of five-year housing supply and in light of paragraph 14 of the NPPF and the test of significant demonstrable harm. This is consistent with the recent appeal decision in Melbourn where the Inspector said that as the rural settlement policies are out of date due to a lack of five-year supply, but that the conflict with those policies “carried limited weight”. However, given the limited sustainability of Group and Infill villages, there is a case to continue to resist proposals that would conflict with the rural settlement policies which would allow for unsustainable forms of development, unless there are particular site specific considerations that indicate that there would not be significant demonstrable harm.
60. Notwithstanding the above, each planning application must be considered on its own merits taking account of local circumstances and all other relevant material considerations.
61. 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), and
ST/5 (Minor Rural Centres)

Development Control Policies

DP/1 (Sustainable Development)
DP/7 (Development Frameworks)
HG/1 (Housing Density)
HG/2 (Housing Mix)
NE/6 (Biodiversity)
CH/2 (Archaeological Sites)
NE/11 (Flood Risk)

Emerging Submission Local Plan

S/7 (Development Frameworks)
S/9 (Minor Rural Centres)
NH/2 (Landscape Character)
NH/4 (Biodiversity)
H/7 (Housing Density)

H/8 (Housing Mix)
H/11 (Residential Space Standards)
CC/9 (Managing Flood Risk).

62. 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.
63. The site is located outside the Willingham village framework and in the countryside, where Policy DP/7 of the LDF and Policy S/7 of the emerging Local Plan state that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.
64. Willingham 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.
65. Development within the less sustainable group and infill villages is more limited. 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 more limited range of services to meet the needs of new residents in a sustainable manner than in Minor Rural and Rural Centres. Within the context of the lack of a five year housing land supply, officers are of the view that sites on the edges of more sustainable Minor Rural and Rural Centres can accommodate more than the indicative maximum of 30 units allowed under policy ST/5 and still achieve the definition of sustainable development due to the level of services and facilities provided in these villages
66. The erection of 26 dwellings 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. Willingham 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

67. Other than flood risk, there are no known technical constraints to the site's delivery. With regards to flood risk, the Environment Agency and the Lead Local Flood Authority have considered the scheme in detail and are satisfied that the development can be made safe from the risk and effects of flooding and will not increase the risk of flooding to other land and property. 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.

Design

68. 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.
69. The current application is in outline only, with all matters reserved except for access. Specific design details such as the internal road layout and design, the layout of the houses, their scale and appearance and the detailed landscaping of the site are therefore all reserved at this stage.
70. Notwithstanding this fact, the indicative layout plan does provide an impression of one way in which the site may be developed. The Council's Urban Design Team and the County Highway Authority have both outlined that improvements to this indicative layout will need to be made in order for a reserved matters submission to be supported. If outline consent is granted, the applicant will be encouraged to engage in pre-submission discussions, including presentation to the Design Enabling Panel to ensure that the eventual layout and design for the site is of satisfactory quality. This is likely to require increased permeability to neighbouring land through the use of pedestrian connections, incorporation of view stop / landmark buildings, better integration of the children's play space and changes to the layout and orientation of buildings, roads and spaces.

Sustainability of development

71. 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

72. The provision of 26 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

73. The development would provide a clear benefit in helping to meet the current housing shortfall in South Cambridgeshire through delivering 26 residential dwellings. 40% of these units will be affordable (10 units), to be provided on-site by a Registered Local Provider. Officers are of the view the provision of 26 houses, including the affordable dwellings, is a benefit and significant weight should be attributed to this in the decision making process.
74. The development will also make some valuable contributions in relation to open space provision / improvement in the locality, notably on-site provision of an equipped children's play space, the details of which can be agreed in consultation with the

Parish Council and secured through a legal agreement. Significant weight can be given to these confirmed benefits in the planning balance.

Environmental

Trees/Landscaping

75. The site contains a small number of mature trees. There are also mature hedges on a number of the site boundaries. The mature hedges in particular make a valuable contribution to defining the character of this edge of settlement site. Some of the existing within-site trees are proposed for removal to facilitate the development, however these will be more than compensated for by a comprehensive quality landscaping scheme, which will include the gapping of the existing boundary hedges and new tree planting within the site. Landscaping is a reserved matter and therefore full details can be considered and agreed under a separate submission.
76. 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.

Biodiversity

77. The site has historically been in use as a nursery. The application is supported by a Phase 1 Habitat and Protected Species Surveys Report by a suitably qualified ecologist. The report confirms that the site carries no statutory or non-statutory wildlife site designation. Given the scale of the development proposed and its considerable distance from designated and non-designated sites, adverse effects are not envisaged. Based on site and wider area surveys, impacts on protected species are not considered likely. Overall, the site is dominated by habitats of relatively low biodiversity and ecological importance and there is no evidence of the presence of protected species. Protected species and their habitats are therefore not considered to be a constraint to the development.
78. The Council's Ecology officer has been formally consulted and has no objections, subject to controlling the timing of vegetation clearance and securing, by planning condition, an appropriate ecological enhancement and management scheme.

Housing Density

79. The site measures 0.924 hectares in area. The development equates to a density of 28 dwellings per hectare. This density is low, and whilst it would conflict with the higher density requirement of at least 40 dwellings per hectare sought for more sustainable villages by Policy HG/1 of the LDF, only limited weight can be given to this particular policy in light of the housing shortfall. In any case, a slightly lower density scheme is considered to be acceptable and more appropriate for this edge of settlement site, taking account of site constraint factors such as the mature perimeter planting, proximity to neighbouring properties and limited access opportunities. It is considered that a higher, more policy-compliant density would be unsuitable and potentially harmful for this particular site, therefore the density proposed strikes the right balance. The application has been considered by the Council's Urban Design Team and the density proposed is considered to be acceptable.

Affordable Housing

80. 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 10 units. The application is in outline at this stage, therefore the details of house types and mix are still to be considered. The applicant has indicated that the tenure split would be 70 / 30 between rented and shared ownership, in accordance with policy. Discussions have commenced with Registered Providers. Conditions and legal agreements can be used to ensure delivery of a satisfactory scheme of on-site affordable housing.

Housing Mix

81. The application is in outline with details of property types, mix, sizes etc reserved at this time. Nevertheless, the indicative details which form part of the submission confirm that a good mix of 2, 3 and 4-bed houses can be delivered on this site in accordance with the requirements of Policy HG/2 of the adopted Local Plan and Policy H/8 of the emerging Local Plan. It is anticipated that the scheme will help to meet a variety of housing needs and demands in the locality. The house types will accord with Policy H/11 Residential Space Standards for Market Housing in the emerging Local Plan.

Developer Contributions

82. Adopted Local Plan policies require developer contributions to be made in relation to the scale of development proposed. The developer has confirmed agreement to meet these particular obligations. Their delivery can be secured by way of a legal agreement (see Heads of Terms Template in the attached appendix). Children's play 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. The required contributions are as follows: -

Open Space (sport) - £27,000.

Open Space (children's play) - £36,000.

Off-site Indoor Community Space - £12,000.

Primary Need - £112,000 for additional classroom extension at Willingham Primary School.

Libraries and Lifelong learning - £3,901.30.

Section 106 Monitoring - £650,00

Residential Amenity

83. Some local residents have expressed concerns about the impact of the proposals on privacy and residential amenity. A principal concern is the impact of additional traffic accessing the site between the two existing properties either side of the access.
84. The application is in outline only, except for access, 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.

85. It is acknowledged that the proposed access located between the two properties fronting Over Road (Deresline and The Lawnings) will change the environment to the side and rear of these properties from a generally low key and overgrown access to the historic nursery land use to a development of 26 houses. There will, however, be a gap of approximately 3.5 metres between the sides of both houses to the carriageway edge, separated by the pavement, narrow green verge and existing / proposed boundary treatments to screen and buffer the access from these properties. Moreover, the proposed relationship of a new road being provided in a relatively sizeable gap between two existing properties to serve residential development behind is not uncommon in urban and village environments.
86. There are now ground floor habitable room windows on the gable ends of the two properties facing onto the proposed access road. Deresline has an existing nature conifer hedge running along the boundary with the access road. The Lawnings has a 1.8 m close boarded fence bounding the proposed access road. The indicative layout plan demonstrates that the proposed houses can be located deeper into the site so as to be set considerably away from the existing neighbouring properties on Over Road, likewise adequate separation distances from existing properties to the east and west can also be assured.
87. Overall, the submitted drawings demonstrate that the site could accommodate the amount of development proposed without having an unreasonable impact on residential amenity through overlooking or overbearing impact, as required by the relevant amenity criteria of policy DP/3 of the Local Development Framework.
88. Several conditions are recommended, designed to protect existing residents during the construction phase and future residents of the proposed houses.

Highway Safety

89. The application is in outline only, however access into the site from Over Road is to be formally determined. The within site access arrangements and internal road layout and access to each individual plot will be considered at the reserved matters stage.
90. The Parish Council makes no recommendation but has requested a thorough review of by highways given existing issues with parking on Over Road, the approval of another development of 12 dwellings within 50 metres, the proximity of traffic lights at the junction with the B1050 and current congestion problems.
91. A number of local residents have also expressed problems about the prevalence of on-street parking on Over Road and the associated problems with congestion. There is significant concern that the application proposals will exacerbate and compound these highway safety and capacity issues. One local resident has provided a home video of these problems including cars mounting pavements and coming into conflict with pedestrians.
92. 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 and submission of a traffic management plan. The proposal is thereby acceptable in this

regard.

93. The concerns of local residents with regards to traffic increases, congestion and highway safety are noted, however the scale of the development, both individually and in combination with the neighbouring development of 12 houses is not considered to be a large scale major development likely to have significant transport implications.
94. Whilst there will be normal AM and PM traffic peaks, traffic movements are otherwise expected to be staggered, and in all cases, within the acceptable range. The Highway Authority has not indicated that there are any capacity, safety or accident issues on the local highway which would act as a constraint to the development and there are no special highway mitigation measures required. The proposals are therefore considered to be acceptable in relation to Policy DP/3 1(b) and 2(k) and TR/3 of the adopted Local Plan, which require development proposals to provide appropriate access from the highway network that does not compromise safety, demonstrate that there will be no unacceptable adverse impact from traffic generated and mitigate any resultant travel impacts.

Landscape Character and Visual Amenity

95. The site conforms well to the existing built form of the village, with existing housing development on three sides to the North, East and West. Although lying outside of the village framework in the open countryside, the site is contiguous with the development limit and does not bear the characteristics of open countryside.
96. The site is very self-contained from a landscape character and visual amenity perspective. It is bounded by houses and mature hedges and trees and mixed boundary fences. There are no views of the site from wider landscape or elevated vantage points therefore the landscape character and visual amenity impacts of the application will not be significant or harmful and are therefore considered to be acceptable.
97. The Council's Urban Design and Trees and Landscape Sections have been formally consulted and both note that the site is visually self-contained.
98. The site is flat with derelict greenhouses on the west side. The site is not within Green Belt or a Conservation Area. There are no adjacent Listed Buildings, no TPO's and no public rights of way within or adjacent to the site.
99. Existing boundary hedges are to be retained and gapped up. Supplementary within site planting is also proposed.
100. Taking account of the particular characteristics of the site and how well it sits in relation to existing adjacent built development it is considered that the proposals will be entirely acceptable in terms of their landscape and visual amenity impacts.
101. Conditions are advised with respect to provision and agreement of hard and soft landscaping and protection of trees during the construction phase, otherwise the proposals are considered to be acceptable.

Contamination

102. The site has a history of use as a nursery. As a consequence there may be some potential for the site to be contaminated.

103. The application is supported by a preliminary Phase 1 assessment report. Based on the historic use of the site, there may be some risks from contamination for future residents. Further intrusive investigations are recommended to confirm the presence of any contaminants and to inform any necessary remediation, mitigation and verification.
104. The Council's Scientific Officer has been formally consulted and has no objections subject to a standard condition to secure further intrusive investigation, remediation and verification.

Flood Risk

105. Section 100 of the NPPF seeks to meet the challenge of climate change, flooding and coastal change. Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Moreover, Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by, amongst other things, applying the Sequential Test, and if necessary, the Exception Test.
106. Paragraph 101 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding, and, a sequential approach should be used in areas known to be at risk from any form of flooding.
107. Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
 - Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including emergency planning; and it gives priority to the use of sustainable drainage systems.
108. Policy NE/11 of the adopted Local Development Framework Development Control Policies DPD states that in relation to flood risk, applications will be judged against national policy.
109. Policy CC/9 of the emerging Local Plan states that in order to minimise flood risk, development will only be permitted where, amongst other things, the sequential test and exception tests established by the National Planning Policy Framework demonstrate the development is acceptable.
110. The application site is located in Flood Zones 2 and 3, at a high risk of flooding. Residential development is classed by the NPPF as 'More Vulnerable'. For residential development to be considered acceptable in Flood Zones 2 and 3 a Sequential Test must be undertaken to rule out the availability of sites at lower risk. For

development to be considered acceptable in Flood Zone 3, it is also necessary for the Exceptions Test to be passed.

The Environment Agency has been formally consulted on the application. On the basis of an amended Flood Risk Assessment, which has assessed the potential impacts of flooding from Dockerel Drain and proposes increased finished floor levels to protect the proposed properties in the event of a flood episode, the Environment Agency has confirmed it has no technical objections to the proposal. The Environment Agency is also content that there will be no increased risk of flooding to neighbouring land and property, subject to implementation in accordance with the recommendations outlined in the flood risk assessment. This includes a bespoke surface water run-off strategy for the site, the in principle details of which are considered satisfactory as far as the Environment Agency and Lead Local Flood Authority are concerned.

111.

Conditions are recommended to ensure the development is implemented in accordance with the approved Flood Risk Assessment and to secure submission and agreement of a surface water drainage strategy for the site, including long term maintenance. In order to make the proposed properties safe from the risk of flooding it is proposed that finished floor levels be a minimum of 6.20m AOD. Some lower parts of the application site lies at a level of 5.50m AOD, therefore in some cases it may be that finished floor levels of some of the proposed properties could be 700mm above site level. In the majority of cases, however, the finished floor level will be lower, between 400 – 500mm above site level.

112.

At reserved matters stage careful consideration will need to be given to the location and orientation of those properties located in the lowest parts of the site, to ensure that there will be no potential for overlooking of existing neighbouring land and property. A condition is also recommended requiring details of finished floor and site levels to be submitted and agreed to ensure the relationships between the existing and proposed properties are acceptable.

113.

Sequential Test

114. The applicant has undertaken a Sequential Test to assess the reasonable availability of sequentially preferable sites at a lower risk of flooding, as required by the NPPF. In undertaking the Sequential Test, the applicant and your officers have had regard to the Draft Cambridgeshire Flood and Water Supplementary Planning Document (SPD), (Sept 2015). This sets out that the geographical search area for identifying sequentially preferable sites for residential development should be the whole district. Furthermore, the draft SPD also states that sites to be considered should be of 'comparable size that it can accommodate the requirements of the proposed development'. The Council has therefore agreed with the applicant that only sites which can accommodate between 10 and 30 dwellings (or up to 1 ha in area) are of comparable size to the application site and should therefore be considered.

115.

116. The applicant has identified a number of potential sites of comparable size and yield, however these have been reasonably discounted on the basis that they are not reasonably available because of their site specific constraints and characteristics. Whilst one site identified at Great Abington is in Flood Zone 1 and is therefore sequentially preferable, the site area is only 0.55 ha and the anticipated yield is approximately 12-20 units, which is less than that which can be achieved by the application site. Great Abington is also a lower order settlement, less sustainable than Willingham, where policies seek to support small scale schemes than that proposed by this application. It is therefore considered that the application has passed the

Sequential Test

117. Of particular significance to the consideration of the application is the fact that the Council does not currently have a 5 year land supply. Although the application site is partially within Flood Zones 2 and 3, a sequential approach to the site layout demonstrates that it would be possible to locate less vulnerable land uses, such as open space, roads and gardens into the higher flood risk areas. Moreover, the Flood Risk Assessment also demonstrates that the application site can be made safe from the risks and effects of flooding throughout its lifetime and would not cause increased risk of flooding to other land and property.
118. It is also the case that the application site is constraint free in all other respects, has a willing landowner and is therefore readily available and deliverable in a short space of time to make a positive contribution to alleviating the Council's recognised shortfall in housing land supply. These factors all weigh in favour of supporting the application.

Exception Test

119. Parts of the application site lies within Flood Zone 3. The applicant has challenged this, outlining that modelling of historic flood events associated with Dockerel Drain would suggest that parts of the application site only fall into Flood Zone 2. However the Environment Agency has confirmed that for the purposes of considering this application, the latest up to date Environment Agency map should be used, which means that parts of the site are Flood Zone 3. Consequentially, although the applicant has demonstrated that there are no other sequentially preferable sites at lower risk of flooding, it is also necessary for the Exception Test to be passed.
120. The Exception Test is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The test requires proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime without increasing flood risk elsewhere and where possible reduce flood risk overall.

Wider Sustainability Benefits to the Community that Outweigh Flood Risk

121. The wider sustainability benefits of the application site and proposal are considered to be as follows: -
 - (a) The site is considered to be at a highly sustainable and accessible location, conforming well to the existing built pattern of development close to local services and facilities;
 - (b) The proposal comprises an appropriate scale of development for its location, providing a good mix of much needed housing, including affordable housing, at a time when the local authority cannot demonstrate a 5 year supply of housing land;
 - (c) The proposal will have wider economic and social sustainability benefits, including creation of local employment opportunities for the construction industry and allied trades and economic multiplier effects for local shops, services and facilities;
 - (d) The developer obligations which will be delivered by the proposal, including provision of open space and a classroom extension for the local school should be regarded as significant wider community benefit outcomes;
 - (e) From an environmental sustainability perspective, the existing site comprises

an abandoned nursery with several dilapidated greenhouses. Their removal and replacement with a well-designed new residential environment will have some positive landscape and visual amenity benefits for those properties which back onto and have a view of the site.

- (f) The proposals provide an opportunity for gapping up of existing hedges, new tree planting and other biodiversity enhancement proposals.

Safe for the Lifetime Without Increasing Flood Risk Elsewhere

122. The submitted flood risk assessment and surface water drainage strategy have been assessed by the Environment Agency and the Lead Local Flood Authority and are considered to be acceptable. Both agencies are satisfied that the proposed development will be safe from the risks of flooding throughout its lifetime and will not give rise to increased risk of flooding to other land and property.
123. The proposed properties will be safeguarded from risk by raising finished floor levels above predicted future flood risk levels, taking account of climate change. A bespoke surface water drainage strategy for the site has also been devised incorporating a variety of sustainable urban drainage measures, which will contain and manage surface water within the site, discharging it to Dockerel Drain at a restricted rate.
124. Taking account of these factors it is considered that the Exception Test has been passed.

Drainage

125. Foul water will be discharged to the existing local mains infrastructure. Anglain Water has been consulted and has confirmed there is currently sufficient capacity to accommodate the additional flows.
126. Surface water will be discharged, at a restricted rate (no greater than 2.0 l/s) to the adjacent Dockerel Drain using a variety of SuDS features, including permeable surfacing, swales, bio-retention and a detention basin.
127. The County Council's Lead Local Flood Authority (LLFA) has been formally consulted and has confirmed that the application is satisfactory, subject to a number of conditions requiring submission and approval of a detailed scheme of surface water drainage and long term maintenance.

Renewable Energy

128. Policy NE/3 of the adopted Local Plan states that all development proposals greater than 10 dwellings will include technology for renewable energy to provide at least 10% of their predicted energy requirements. It is considered that this particular policy requirement can be best resolved at the detailed stage as further design and layout information becomes available.
129. 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. A renewable energy condition is proposed below.

Conclusion

130. 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), and
ST/5 (Minor Rural Centres)

Development Control Policies

DP/1 (Sustainable Development) (by virtue of paragraph 1a)
DP/7 (Development Frameworks)
HG/1 (Housing Density)
HG/2 (Housing Mix)
NE/6 (Biodiversity)
CH/2 (Archaeological Sites)
NE/11 (Flood Risk)

Emerging Submission Local Plan

S/7 (Development Frameworks)
S/9 (Minor Rural Centres)
NH/2 (Landscape Character)
NH/4 (Biodiversity)
NH/14 (Heritage Assets)
H/7 (Housing Density)
H/8 (Housing Mix)
H/11 (Residential Space Standards)
CC/9 (Managing Flood Risk)

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.

131. For the reasons outlined in the main body of this report, officers are of the view that significant weight can be given to Policy ST/5 in this case.
132. The proposed development raises relatively few technical concerns although it is acknowledged that part of the site is located in an area of high flood risk and there will be some impacts on the amenities of existing local residents from more homes and associated traffic and other activity. However these concerns must be weighed against the following benefits of the development:
- 133.
134. i) The provision of 26 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 10 affordable dwellings towards the need of 1,700 applicants across the district, to be secured off-site through a commuted sum.
- iii) Developer contributions towards public open space and community facilities in the village, including equipped children's play space and an extension to the local Primary school.
- iv) Suitable and sustainable location for this scale of residential development given the position of the site in relation to access to public transport, services and facilities and local employment.

- 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.
 - vii) The Flood Risk Sequential and Exceptions Tests have been passed and the site can be made safe from the risks and effects of flooding without causing an increased risk of flooding to other land and property.
135. The adverse impacts of this development identified by local residents, namely increased traffic, loss of amenity and flood risk cannot be substantiated into reasonable grounds for refusal are not considered to significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole which aim to boost significantly the supply of housing and which establish a presumption in favour of sustainable development in the context of the lack of a 5-year housing land supply.
136. Planning permission should therefore be granted because material considerations clearly outweigh the limited harm identified and the conflict with out of date policies of the LDF relating to housing delivery.

Recommendation

137. Officers recommend that the application is approved subject to the following:

138. **Conditions**

- a) **Approval of the details of the layout of the site, the scale and appearance of buildings, the means of access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.**
(Reason - The application is in outline only.)
- b) **Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**
(Reason - The application is in outline only.)
- c) **The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.**
(Reason - The application is in outline only.)
- d) **The development hereby permitted shall be carried out in accordance with the following approved plans:**

CH14/LBA/341/OP101 – 1:1250 Red Line Location Plan only.
CH14/LBA/341/OP101 REV D (Visibilty splays only)
 (Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- e) **Details of the layout of the site shall include the finished floor levels of the proposed dwellings in relation to the existing and proposed ground levels of the surrounding land has been submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.**
(Reason - In the interests of residential/visual amenity, in accordance with

Policy DP/3 of the adopted Local Development Framework 2007.)

- f) Details of landscaping 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. The details shall also include the positions, design, materials and type of boundary treatment to be erected.**

(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.

- g) 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.

- h) 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.)

- i) No development shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.**

(Reason - To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

- j) 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.)

- k) 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

- l) 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.)

- m) Details for the long term maintenance arrangements for any parts of the surface water drainage system which will not be adopted (including all SuDS features) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes.**

The maintenance plan shall be carried out in full thereafter.

(Reason – To ensure the satisfactory maintenance of un-adopted drainage systems in accordance with the requirements of paragraphs 103 and 109 of the National Planning Policy Framework.

- n) Unless otherwise agreed in writing the development permitted by this planning permission shall only be carried out in accordance with the amended Flood Risk Assessment (FRA) Project Ref:33928 Rev: B – Date: February 2016.**

(Reason – To prevent flooding elsewhere and to reduce the risk of flooding to the proposed development and future occupants).

- o) Prior to the first occupation of the development, visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the submitted plan No: CH14/LBA/341/OP101 REV 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).

- p) 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).

- q) 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).

- r) No demolition or construction works shall commence until a traffic management plan has been agreed with the Local Planning Authority in consultation with the Highway 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).

- s) No 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).

- t) Prior to the commencement of development details of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.**

(Reason – To reduce car dependency and to encourage alternative modes of

travel in accordance with Policy TR/2 of the adopted Local Development Framework 2007).

- u) 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).

- v) No development shall commence until a programme of measures to minimise the spread of airborne dust (including the consideration of wheel washing and dust suppression provisions) from the site during the construction period or relevant phase of development has been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in accordance with the approved details / scheme unless the Local Planning Authority approves the variation of any detail in advance and in writing.**

(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).

- w) No development (including any pre-construction, demolition or enabling works) shall take place until a comprehensive construction programme identifying each phase of the development and confirming construction activities to be undertaken in each phase and a timetable for their executions has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved programme unless any variation has first been agreed in writing by the Local Planning Authority.**

(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).

- x) Prior to the commencement of the development an artificial lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting, security / residential lighting and an assessment of any impact on any sensitive residential premises on and off site as appropriate, shall be submitted to and approved in writing by, the local planning authority. This assessment / scheme shall include layout plans / elevations with luminaire locations annotated, full vertical and horizontal isolux contour maps at nearest residential premises, hours and frequency of use, a schedule of equipment in the lighting design (luminaire types / profiles, mounting height, aiming angles / luminaire profiles, orientation, angle of glare, operational controls) and**

shall assess artificial light impact in accordance with the Institute of Lighting Professionals “Guidance Notes for the Reduction of Obtrusive Light GN01:2011”. The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures unless the local planning authority gives its written consent to any variation.

(Reason: To protect local residents light pollution / nuisance and protect / safeguard the amenities of nearby residential properties in accordance with South Cambridgeshire Local Development Framework Development Control Policies 2007, Policy NE/14 – Lighting Proposals.

- y) No development shall take place until a scheme for the provision of bin storage has been submitted to and approved in writing by the Local Planning Authority. The scheme be constructed and completed in accordance with the approved details 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 provide for the screened storage of refuse in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- z) No development approved by this permission shall be commenced 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.

b) 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.

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

d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination 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).

- aa) 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.)

- bb) No development shall take place until a scheme for the provision of on-site renewable energy to meet 10% or more of the projected energy requirements of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.**

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

- cc) Before the development hereby permitted is commenced, a simple air quality impact assessment should be carried out and submitted, in writing, to the Local Planning Authority for approval. The assessment should have regard to the National Air Quality Objectives and include a detailed investigation into the existing local background air quality conditions, the potential impact of the development on the nearest sensitive receptors and should explore mitigation measures if necessary. SCDC consider that an emphasis on the actual implementation of mitigation measures to achieve betterment of local air quality together with compliance with relevant policies particularly important. The air quality assessment may require, if appropriate, the use of detailed air pollution modelling and details of stack/flue height calculations, where appropriate as well as account for any on-site combustion plant.**

(Reason – To ensure compliance with the Councils Policy NE/16 and Section 124 of the National Planning Policy Framework.)

- dd) Prior to commencement of development an Operational Noise Minimisation Management Plan / Scheme shall be submitted in writing to the Local Planning Authority for approval. This shall include details of site wide measures to be undertaken and implemented to minimise and mitigate noise activities / operations as far as is reasonably practicable. The approved plan / scheme shall be retained thereafter unless otherwise approved in writing by the Local Planning Authority and shall be reviewed and revised as necessary at the reasonable request of the Local Planning Authority following the receipt of any justified noise complaints.**

(Reason - In the interest of the residential amenity of neighbouring properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- ee) Notwithstanding the submitted indicative layout, details of the mix of housing (including both market and affordable housing) shall be submitted with any reserved matters application for housing in accordance with policies H/8 and H/9 of the South Cambridgeshire Local Plan Proposed Submission July 2013 unless local circumstances suggest otherwise.**

(Reason – To ensure a mix of housing to reflect local needs)

- (a) Affordable housing
- (b) Open space
- (c) Education
- (d) Libraries and Lifelong Learning
- (e) Monitoring

140. **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.

The applicant / developer should have regard and consideration of South Cambridgeshire District Council Supplementary Planning Document – ‘District Design Guide: High Quality and Sustainable Development in South Cambridgeshire’, Adopted March 2010: Chapter 10 – Environmental Health and associated appendices:

<http://www.scambs.gov.uk/Environment/Planning/DistrictPlanning/LocalDevelopmentFramework/SPDs/DistrictDesignGuideSPD.htm>

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

Foul drainage from the proposed development should be discharged to the public foul sewer unless it can be demonstrated that a connection is not reasonably available.

Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and / or parking areas for fifty car park spaces or more and hardstandings should be passed through an oil interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor.

In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:

- (a) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe ‘node numbers’ that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- (b) Confirmation of the critical storm duration.
- (c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365 / CIRIA 156.
- (d) Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are required.
- (e) Where an outfall discharge control device is to be used, such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.
- (f) Calculations should demonstrate how the system operates during a 1 in 100

chance in any year critical duration storm event, including an allowance for climate change in line with the National Planning Policy Framework Technical Guidance. If overland flooding occurs in this event, a plan should be submitted detailing the location of overland flow paths and the extent and depth of ponding.

Dockerel Drain is an Awarded Watercourse. Under the Land Drainage Act 1991, development that involves a culvert or any impediment to flow on an Awarded Watercourse will require prior written consent from Cambridgeshire County Council as Lead Local Flood Authority. This is applicable to both permanent and temporary works. In addition, South Cambridgeshire District Council has a 5 metre byelaw strip which prevents development on this land and allows the Council to access the site to carry out any necessary work. Additional consent is required from South Cambridgeshire District Council for works on the byelaw strip.

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

Report Author:

Thorfinn Caithness
Telephone Number:

Principal Planning Officer
01954 713126