

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 December 2016

AUTHOR/S: Head of Development Management

Application Number: S/1991/16/OL

Parish(es): Newton

Proposal: Outline application for residential development (up to 30 dwellings) and details of means of access

Site address: Land to the north of Whittlesford Road, Newton

Applicant(s): Rural Solutions and Mr Henry Hurrell

Recommendation: Refusal

Key material considerations: Housing Land Supply
Principle of Development
Character and Appearance of the Area
Impact upon Green Belt (adjacent)
Housing Density
Housing Mix
Affordable Housing
Developer Contributions
Trees and Landscaping
Biodiversity
Highway Safety and Sustainable Travel
Flood Risk
Neighbour Amenity

Committee Site Visit: 06 December 2016

Departure Application: Yes

Presenting Officer: Chris Morgan, Senior Planning Officer

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

Date by which decision due: Extension of time agreed until 9th December 2016

Executive Summary

1. This proposal seeks outline permission (access only for approval) for a residential development of up to 30 dwellings on a greenfield site within the countryside, outside the designated Development Framework of an infill village as identified in the adopted and emerging plans and adjacent to the Green Belt.

The development would not normally be considered acceptable in principle when set against current adopted policy as a result of its scale and location. However, the district does not currently have a 5 year housing land supply and therefore the adopted LDF policies in relation to the supply of housing are not up to date for the purposes of the NPPF. However, the Local Planning Authority must still determine the weight to be applied to the policies even when out of date. In this case, considerable weight can be attached to these policies as they perform a material planning objective.

2. The NPPF states there is a presumption in favour of sustainable development, and where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
3. 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 in 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.
4. However, for Group Villages and Infill Villages, conflict with the housing land supply policies should be given significant weight unless there are exceptional circumstances that would justify a departure. Newton is an infill village with a relatively poor level of services and facilities within the village and there are no exceptional circumstances to justify such a departure.
5. In this case, the location and scale of the development are such that officers are of the view that the harm arising from the unsustainable location, significantly and demonstrably outweighs the benefits of the proposal. These include a contribution of up to 30 dwellings towards the required housing land supply, and provision of 40% affordable dwellings (12 units).

Site and Surroundings

6. The application site is agricultural land of just under 1 hectare in size and located outside the easterly edge of the village framework in the countryside to the north of Whittlesford Road and to the east of Cockle Close, a twentieth century residential development.
7. The site is bounded by field hedges including a small number of mature trees to the open farmland to the north. Along a section of the south eastern boundary with Whittlesford Road is bank of mature trees and an existing hedgerow runs along the

remainder of the boundary with Whittlesford Road. Hedgerows form the boundary with properties on Cockle Close to the west. The site has a slightly sloping topography, falling slightly to the south towards Whittlesford Road

8. The site is not subject to any designations but it is within Flood Zone 1 (low risk) and surrounded by designated Green Belt to the north and east. The site has not been subject to any previous planning applications for development.

Proposal

9. Outline Planning Consent for is sought for up to 30 dwellings with the means of access as part of the application. All other matters of scale, design, layout and landscaping are reserved for a later approval. However, an indicative layout plan for 29 dwellings (12 x 2-bedroom, 10 x 3-bedroom and 7 x 4-bedroom) positioned around a central public open green space has been submitted. A design and access statement has also been submitted with indicative house designs in support of the application.
10. Affordable housing is to be provided at 40% of the total proposed units (12) and is comprised of tenure of 70% social rented and 30% intermediate/shared ownership although there is no detail provided of the housing mix proposed as part of the affordable housing component of the outline scheme.
11. A new single point of vehicle access is proposed onto Whittlesford Road with a pedestrian footway connecting with the existing footway along Whittlesford Road.
12. The applicants have provided an indicative landscaping scheme which indicate the removal and partial replanting a section hedgerow along the edge of Whittlesford Road to the south edge of the to provide for the new access and the associated visibility splays. The indicative site layout plan and accompanying information with the application shows the retention of the existing boundary hedgerows and trees on the remainder of the site.

Planning History

13. None relevant

Planning Policies

14. 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 5 year housing land supply, and the weight that might still be given to those policies, is addressed later in the report.
15. *National Planning Policy Framework*
Planning Practice Guidance
16. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007*
ST/2 Housing Provision
ST/7 Infill Villages
17. *South Cambridgeshire LDF Development Control Policies, adopted July 2007*
DP/1 Sustainable Development

DP/2 Design of New Development
 DP/3 Development Criteria
 DP/4 Infrastructure and New Developments
 DP/7 Development Frameworks
 GB/3 Mitigating the impact of development adjoining the Green Belt
 HG/1 Housing Density
 HG/2 Housing Mix
 HG/3 Affordable Housing
 SF/10 Outdoor Play space, Informal Open Space, and New Developments
 SF/11 Open Space Standards
 NE/1 Energy Efficiency
 NE/3 Renewable Energy Technologies in New Development
 NE/4 Landscape Character Areas
 NE/6 Biodiversity
 NE/9 Water and Drainage Infrastructure
 NE/10 Foul Drainage – Alternative Drainage Systems
 NE/11 Flood Risk
 NE/12 Water Conservation
 NE/14 Light Pollution
 NE/15 Noise Pollution
 NE/17 Protecting High Quality Agricultural Land
 CH/2 Archaeological Sites
 TR/1 Planning for More Sustainable Travel
 TR/2 Car and Cycle Parking Standards
 TR/3 Mitigating Travel Impact
 TR/4 – Non-motorised Transport

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

Open Space in New Developments SPD - Adopted January 2009
 Affordable Housing SPD - Adopted March 2010
 Trees & Development Sites SPD - Adopted January 2009
 Landscape in New Developments SPD - Adopted March 2010
 Biodiversity SPD - Adopted July 2009
 District Design Guide SPD - Adopted March 2010
 Health Impact Assessment – Adopted March 2011

19. *Draft Local Plan*

S/1 Vision
 S/2 Objectives of the Local Plan
 S/3 Presumption in Favour of Sustainable Development
 S/5 Provision of New jobs and Homes
 S/7 Development Frameworks
 S/11 Infill Villages
 S/12 Phasing, Delivering and Monitoring
 CC/1 Mitigation and Adaptation to Climate Change
 CC/3 Renewable and Low Carbon Energy in New Developments
 CC/4 Sustainable Design and Construction
 CC/6 Construction Methods
 CC/7 Water Quality
 CC/8 Sustainable Drainage Systems
 CC/9 Managing Flood Risk
 HQ/1 Design Principles
 NH/2 Protecting and Enhancing Landscape Character
 NH/3 Protecting Agricultural Land
 NH/4 Biodiversity

NH/6 Green Infrastructure
NH/8 Mitigating the impact of development in and adjoining the Green Belt
NH/14 Heritage Assets
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
SC/8 Open space standards
SC/6 Indoor Community Facilities
SC/7 Outdoor Play Space, Informal Open Space and New Developments
SC/11 Noise pollution
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments

Consultations

20. **Newton Parish Council** – Support, with the following comments;
'In principal we support the application for new houses on Whittlesford Road but with the following provisos regarding highway safety, layout & density, privacy, and affordable housing,
21. *Highway Safety*
Whittlesford Road is busy already with many cars speeding in and out of the village as this is seen as a shortcut to/from A10 and M11. Access to new development - it must be ensured that there is good visibility in and out of the development and that traffic calming measures are put into place to make it safe for the new residents to exit their road. The current access road is near a blind bend and would be dangerous for people to turn into the road. We recommend:
i) That the Whittlesford Road 'sightline' alterations are a priority and adjustments made to hedging and trees prior to the building work starting so safety during the development stage is considered, with slow vehicles entering and leaving the site.
ii) Move the current 30 mph sign on Whittlesford Road 200 metres further out of the village
iii) Move the approved (but not yet installed) 40 mph sign further out of the village to the village (NEWTON) sign.
iv) Install other measures such Speed bumps/dragons teeth before the bend to ensure cars drive at safe speeds.
v) A footpath should be built around the blind bend to link with the last house in the village)
22. *Layout & Density*
There are too many houses on a small area of land, parking may become an issue and it would be unsafe for people to park their vehicles on Whittlesford Road (see above comment). There must be adequate parking for the houses being built. We recommend that the site is no larger than 30 dwellings and preferably less – 20 to 25 would be a more suitable size in proportion to the village size and would allow more space for off road parking and for the boundary with Cockle Close residencies to be given consideration. This must still include 40% affordable housing
23. *Privacy*
Consideration must be given to the houses in Cockle Close which are adjacent to the site and are most affected; in particular that overlooking/privacy and loss of light is considered during planning stages and adequate space is allowed between new buildings and existing. Ideally this could include a strip of communal ground/grass area that both the new development and Cockle Close residents could enjoy, or a

deep boundary of trees (pocket park) is planted between Cockle Close and new development to provide a deep ribbon for wildlife and to protect privacy and to prevent noise and light pollution of those existing residents in Cockle Close.

24. The Parish have requested that the application is referred to the planning committee as the local Plan is inadequate for the growth and vitality of the village, and there is a proven and documented demand for affordable housing in the village.'
25. **Affordable Housing Officer** - The proposal is for 30 dwellings on a site which is located outside the development framework of Newton. In accordance with policy H/10 of the new Local Plan a site which is located outside the development framework of that village should be considered as an exception site for the purposes of providing 100% affordable housing to meet the local housing need.
26. However, should this application not be determined as an exception site, then the council will seek to secure 40% affordable housing. The developer is proposing 18 market and 12 affordable dwellings. This meets the 40% requirement. There are approximately 1,700 applicants on the housing register in South Cambs and our greatest demand is for 1 and 2 bedroom dwellings.
27. Therefore, for the 12 dwellings we would expect a higher proportion of 1 and 2 bedroom dwellings to reflect the housing need. The district wide policy on tenure split is 70% rented and 30% intermediate(shared ownership). We would be happy to have a more detailed discussion with the registered provider about the mix and tenure split, once a registered provider has been appointed by the applicant.
28. Properties should be built in accordance with the DCLG technical housing standards and the National space standards for housebuilders.
29. The properties should be available to all applicants who are registered on homelink in South Cambs.
30. Previous applications of this nature have been agreed on the basis of, priority for the affordable housing being give to applicants with a local connection to that particular village. However, a housing needs survey was carried out in Newton in 2013, this found 15 households who require affordable housing and have a local connection to Newton. The housing strategy and enabling team are actively working with the parish council and a registered provider to find a suitable exception site in the village to meet the housing need.
31. **Urban Design Officer** = 'The site lies at the edge of Newton, outside the village framework, but immediately adjacent to it. Newton is an infill village with very limited facilities, any development of this size will represent a sizeable extension to this very small village, and the layout and detailing of the buildings will need to respect this.
32. There is a substantial hedgerow / tree belt along the southern boundary to Whittlesford Road and eastern boundary, and hedgerows along the northern boundary so the site is well contained.
33. The proposed density is low at 26dph but this is acceptable for this village edge location, however the layout will require amendments at reserved matters stage. A small area of the field has been retained on the plan in the eastern corner of the site. It may be that the whole site could be developed, but in a much looser arrangement of housing, with larger gardens and spaces between buildings to allow the development to better respond to the edge of village location.'

34. **Ecology Officer** – Agrees with ecological consultant’s conclusions that proposals will not impact on the Eversden and Wimpole Woods Special Area of Conservation and, subject to conditions to conditions to ensure; nesting bird protection measures, hedgerow protection measures (or a definitive compensation and enhancement plan in the event that they cannot be retained) and the submission of an ecological habitat management plan – raises no objection to the proposal.
35. Also commenting that ‘although external lighting does not need to be limited for legal compliance, it would be best practice to ensure that the woodland edge and hedgerows are not indiscriminately lit to meet planning policy for protection of wildlife habitats through an appropriate condition for a lighting strategy.’
36. **Landscape Design Officer** – Raises concerns that the development occupies a visible site at the entrance to the village and would constitute a significant extension to the village. The development would fill one of the small field at the entrance/ edge of the village which marks the transition between enclosed and detailed village and valley bottom landscape and the more open landscape and wider countryside beyond. The site directly abuts the Green Belt to the north and would combine with the developments at Kidmans Close and Cockle Close to form a significant built edge, hard against the Green Belt boundary.
37. Suggests the consideration of;
- i. Reducing the number of dwellings to create a more permeable edge, reducing the visual and landscaping harm.
 - ii. Use of the small area of retained agricultural land to the immediate east of the site as Public Open Space.
 - iii. All boundary and structural planting to be communally or publically owned/ managed.
 - iv. Development pulled back from the northern boundary of the site.
 - v. Layout and character to reflect the best of ‘village edge’ design.
 - vi. Access to Cockle Close considered to enable the retention of hedgerows and trees on the frontage with Whittlesford Road and the urbanising effect of the extended footway would not be required.
38. **Tree and Landscape Officer** – Comments that there are useful amenity trees along the northern and south eastern boundaries of the site which are shown to be retained in the illustrative plan. Raises no objections to the application subject to conditions requiring an arboricultural impact assessment and tree protection strategy.
39. **Local Highways Authority** – Raises no objection to the proposal subject to the imposition of conditions to remove permitted development rights to install a further access, removal of rumbles strips from within the development, use of traditional carriageway construction measurements to be applied, provision of a 2 metre footway to the village under a S106 agreement, use of bound materials for the proposed access and the provision of a traffic management plan, removal of visitor parking, access to fall away from highway and an informative regarding works to highways.
40. In reponse to the Parish Council’s comments, officers are of the view that the measures proposed are not required as a direct result of the development proposed and that therefore they are not required to make the proposal acceptable in planning terms.
41. **Cambridgeshire County Council Historic Environment Team** (Archaeology) –

Comments that the site lies in an area of high archaeological potential. Raises no objection to the proposal subject to the imposition of a condition regarding a programme of archaeological investigation.

42. **Environment Agency** – Raises no objection to the proposal.
43. **Anglian Water** –Comments that foul water drainage is in the catchment of Haslingfield Water Recycling Centre which has capacity as does the sewerage system. Raises no objection.
44. **Cambridgeshire County Council Flood and Water Team** – Requests further information before comment in relation to;
 - i. Additional infiltration details for the proposed infiltration devices.
 - ii. Further details to show that greenfield runoff rates will be sustainable and have a low risk of blockages.
 - iii. Clarification on proposed discharge rate in the event that infiltration is not considered feasible.
 - iv. An indicative design of the drainage proposal to be submitted.
45. **Contaminated Land Officer** – Comments that as the site has an agricultural use which is more sensitive to residual contamination, it should be subject to a detailed scheme of investigation, recording and remediation of any contamination, details to be agreed and fully implemented prior to development.
46. **Environmental Health Officer and Health & Environmental Services** – No objection in principle to the proposals, but the following environmental health issues / health determinants need to be considered and effectively controlled in order to protect the quality of life / amenity and health of proposed and existing residential uses / premises and the wider community / environment and which are paramount in facilitating a sustainable high quality development:
 - i. Noise / Vibration:
 - ii. Construction Phase Impacts : Noise / Vibration and Dust
 - iii. Traffic Noise Impact Of Whittlesford Road On Proposed Residential Premises
 - iv. Off-Site Traffic Noise Impact on Local Roads
 - v. Air Quality
 - vi. Artificial Lighting
 - vii. Contaminated Land
 - viii. Health Impact Assessment
 - ix. Operational Residential and Commercial Waste / Recycling Provision
 - x. Surface Water Drainage
 - xi. Renewable Energy Strategy / Report
 - xii. General Informatives
47. **Section 106 Officer** - Comments that contributions would be required towards Household Waste, off-site contributions for formal sports facilities, off-site contribution for formal children's play space, on site provision of informal children's playspace and on-site provision of informal open space, off site contributions indoor community space to be secured via a S106 agreement.
48. **Cambridgeshire County Council Education, Waste & LLL S106 Requirements** –
49. *Early years education need*
Based on a calculated net increase of 9 early years children (5 of whom would be

entitled to free space), sufficient early years capacity exists in the area and no contributions are required.

50. *Primary education need*
The proposed development is within the Harston and Newton Community Primary School catchment area and it will have a significant impact on primary school places at the school. According to the County Council guidance the development is expected to generate a net increase of 11 primary aged children. County education officers have confirmed that there is currently insufficient capacity to mitigate the primary aged children arising from this development.
51. The County Council's proposed solution to mitigating the primary aged children arising from this development is to add 30 places towards primary provision through internal works. The total cost of the project is £112,000 and contributions will be sought on a basis of £3,733 cost per place (112,000/ 30 places).
52. *Secondary education need*
Based on a net increase of 8 secondary aged children – Melbourn Village College has sufficient capacity at present and therefore no contributions are sought.
53. *Lifelong Learning and Libraries*
No contribution sought
54. *Waste*
Thriplow Household Waste and Recycling Centre has already received 5 pooled contributions and therefore no contributions are sought.
55. Monitoring - £150 is sought based upon 3 hours of officer time at £50 per hour
56. **Sustainability Officer** – 'I have read through the applicants Planning Statement and the assessment of the current and future sustainability, and the applicant proposes the following:
57. Residential development of approximately 30 dwellings on land to the north of Whittlesford, adjacent to the development limits of the village of Newton.
58. The proposed development site is currently an agricultural field that lies outside the village development framework, therefore the applicant proposes the development by engaging para.14 of the Development Framework, which means that presumption is made in favour of sustainable development.
59. The applicant suggests that the development will be truly sustainable for the following reasons:
60. Economic benefits of the development
 - i. Attract additional residents of working age
 - ii. Continue to attract high earners and families
61. Social benefits of the development
 - i. Grow the social capacity of Newton
 - ii. Provide affordable housing
 - iii. Enhance inclusivity and broaden the community skills base
62. Environmental benefits of the development
 - i. None given

63. The document makes no reference to the environmental benefits of the new development, and to be truly sustainable all three roles “should not be taken in isolation, because they are mutually dependant”. I am concerned by the fact that the site is completely surrounded by green belt, and the applicant has failed to provide any environmental benefits of the development.
64. The document identifies Newton as a small village with limited facilities, and neighbouring villages are within an approximate 3 mile cycle ride. Other than a public house, village hall, Church and social club, all basic services will need to be accessed via the one bus stop which doesn't provide a service on Sundays, this will make the development highly dependent on the use of a car. For these main reasons, I would not consider this development to be fully 'sustainable'.

Representations

65. 22 letters of representation have been received from third parties.
66. **Six of these support** the proposal on the following grounds;
- ii. Affordable housing is beneficial for the village.
 - iii. Need for smaller units and bungalows
 - iv. Local village amenities and groups would benefit.
 - v. Proposed entrance would not lead to highway hazard.
 - vi. Development would provide support to smaller local primary schools and increase viability for the bus route through Newton.
 - vii. Size of development is appropriate to village
67. **16 of those objecting** to the proposal on the following grounds;
- i. Highways safety concerns as proposed access is onto a hazardous section of Whittlesford Road, close to a dangerous bend.
 - ii. Increase in traffic
 - iii. Density, number of dwellings and indicative spacing is not sympathetic to adjacent Green Belt.
 - iv. Affordable dwellings should be detached
 - v. Newton has no shop, post office, medical facilities, employment, school or car park, limited on street parking, no footpath or cycle ways to neighbouring villages and very limited public transport.
 - vi. Everyday needs cannot be met by the amenities in surrounding villages.
 - vii. Harm to the character and appearance of the village
 - viii. Light and noise pollution, loss of privacy and overshadowing to neighbouring properties in Cockle Close.
 - ix. Infill village status
 - x. Character of dwellings should reflect the locality
 - xi. The development is out of scale with the village
 - xii. Insufficient parking
 - xiii. Impact upon wildlife
 - xiv. Loss of trees
 - xv. Need for public footpath to be provided, trees retained, street lighting upgraded and broadband provision.
 - xvi. Up to date household survey in the village shows that majority of residents do not support affordable housing with private housing,

Planning Assessment

68. The key issues to consider in the determination of this application relate to housing land supply, the principle of the development in the countryside, deliverability, housing density, housing mix, affordable housing, developer contributions, the impacts of the development upon the character and appearance of the area, the impact upon the adjacent Green Belt, flood risk, highway safety, neighbour amenity, biodiversity, trees and landscaping.

Housing Land Supply

69. The National Planning Policy Framework (2012) (NPPF) requires local planning authorities to boost significantly the supply of housing, to achieve this a five-year housing land supply with an additional buffer, as set out in paragraph 47, should be identified and maintained.
70. The local planning authority accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 3.9 year supply using the methodology identified by the Inspector in the Waterbeach appeals in 2014. This shortfall is based on an objectively assessed housing need of 19,500 homes for the period 2011 to 2031 (as identified in the Strategic Housing Market Assessment 2013 and updated by the latest update undertaken for the Council in November 2015 as part of the evidence responding to the Local Plan Inspectors' preliminary conclusions) and latest assessment of housing delivery (in the housing trajectory November 2015). In these circumstances any adopted or emerging policy which can be considered to restrict the supply of housing land is considered 'out of date' in respect of paragraph 49 of the NPPF.
71. Further guidance as to which policies should be considered as 'relevant policies for the supply of housing' emerged from a recent Court of Appeal decision (*Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes*). The Court defined 'relevant policies for the supply of housing' widely so not to be restricted to 'merely policies in the Development Plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites,' but also to include, 'plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed.' Therefore all policies which have the potential to restrict or affect housing supply may be considered out of date in respect of the NPPF.
72. However, the Court of Appeal has confirmed that even where policies are considered 'out of date' for the purposes of NPPF paragraph 49, a decision maker is required to consider what (if any) weight should attach to such relevant policies.
73. In the case of this application policies which must be considered as potentially influencing the supply of housing land include ST/2 and ST/7 of the adopted Core Strategy and adopted policies DP/7 and NE/17 of the adopted Development Control Policies. Policies S/7, S/11 and NH/3 of the draft Local Plan are also material considerations but are also considered to be relevant (draft) policies for the supply of housing.
74. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. It says that where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted (which includes land designated as Green Belt in

adopted plans for instance).

75. Whilst paragraph 2 of Policy ST/7 of the adopted Core Strategy, permits some residential development within the village framework and the site is located outside, given the adjacency of the site to the village framework, the site is relatable to the village geographically and in its dependency upon services/facilities. ST/7 also forms part of a suite of policies, which operate to direct new development to settlements which have an appropriate level of services to meet the requirements of new residents. As such, it is considered that ST/7, which reflects the poor range of services and facilities in infill villages to serve residential development, is material to development both within the village framework and development which proposed as a residential extension to that village framework, as proposed here.
76. It falls to the Council as decision maker to assess the weight that should be given to the existing policies. The Council considers this assessment should, in the present application, have regard to whether the policies continues to perform a material planning objective and whether it is consistent with the policies of the NPPF.
77. 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.
78. 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 polices 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.
79. However, for Group Villages and Infill Villages, conflict with the housing land supply policies should be given significant weight unless there are exceptional circumstances that would justify a departure. Newton is an infill village with a relatively poor level of services and facilities within the village and there are no exceptional circumstances to justify such a departure in this instance.

Principle of development

80. The site is located in the countryside, outside the Newton Development Framework (although adjacent to its eastern boundary), where Policy DP/7 of the LDF and Policy S/7 of the Draft Local Plan states that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will permitted. The erection of a residential development of up to 30 dwellings would therefore not under normal circumstances be considered acceptable in principle. However, this policy is considered out of date due to the current lack of a 5 year housing land supply as set out above.
81. Newton is identified as an infill Village under Policy ST/7 of the LDF and Policy S/11 of the Draft Local Plan, one of four categories of rural settlements. The rural settlements,

in terms of preference for housing provision, are placed behind the edge of Cambridge and new town of Northstowe. Infill Villages are the least sustainable settlements within the district behind Rural Centres, Minor Rural Centres and Group Villages, having the poorest levels of services and facilities and allowing only some of the day-to-day needs of residents to be met without the need to travel outside the village. Newton has only relatively limited community facilities and services, with no schools, shops and limited easily accessible public transport services.

82. Development in Infill Villages is normally limited to schemes of not more than 2 dwellings, or in exceptional cases 8, where development would make best use of a single brownfield site. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting the scale of development in less sustainable rural settlements with a limited range of services to meet the needs of new residents in a sustainable manner. In this case the proposal to develop a scheme for up to 30 dwellings is not considered sustainable due to the relatively low level of services and facilities in the village. Therefore existing Policies ST/7 and DP/7 which form part of a suite of policies to control the distribution and scale of new housing can be afforded considerable weight since it contributes to ensuring that development is sustainably located and unsustainable locations are avoided.
- 83.. As detailed below, when set against the NPPF the proposal also fails as it cannot be considered to be a sustainable location capable of supporting a development of this size. These facts therefore outweigh the need for additional housing land in this instance. For this reason the principle of development is not considered acceptable.

Deliverability

84. The applicants have not provided any specific information, however, there are no known technical constraints to the site's delivery. Officers are therefore of the view that the site can be delivered within a timescale whereby significant weight can be given to the contribution the proposal could make to the 5 year housing land supply.

Sustainability of development

- 85.. 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.

86. The provision of up to 30 new dwellings will give rise to employment during the construction phase of the development, and has the potential to result in an increase in the use of local services and facilities, both of which will be of benefit to the local economy.

Social

Provision of new housing

87. The development would provide a clear benefit in helping to meet the current housing shortfall in South Cambridgeshire through delivering up to 30 residential dwellings. 40% of these units will be affordable (12 units). The applicant indicates that the mix of housing will be in accordance with Policy HG/2. The affordable housing can be secured through a Section 106 Agreement. Officers are of the view the provision of up

to 30 houses, including the affordable dwellings, is a benefit and significant weight should be attributed this in the decision making process.

Scale of Development, Services and Facilities

88. The Services and Facilities Study March 2014 states that on a mid 2012 estimate, Newton had a population of 390 and a dwelling stock of 170. It is one of the smaller villages in the district. An additional 30 dwellings would increase the number of dwellings in the village by approximately 17%. This is considered to be out of scale and character with the size of the village.
89. Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas advising *'housing should be located where it will enhance or maintain the vitality of rural communities'*, and recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby.
90. An appeal against the refusal of planning permission for the erection of 26 dwellings on a site at 7 Station Road Over (Group Village) was dismissed in February 2013 (S/0440/12/FL). In dismissing the appeal the Inspector identified 3 key areas where he considered Over being deficient in terms of meeting the requirements for a sustainable location, those being; sources of employment in the vicinity; the nearest secondary school; and services fulfilling anything other than the most basic shopping trips.
91. Newton village is served by very few services and facilities including a village hall, church, nursery school, green and children's play area and a pub.
92. This lack of services and facilities is reflected in Newton being designated an 'Infill Village' in the Core Strategy settlement hierarchy. Infill villages are described as *'generally amongst the smallest in South Cambridgeshire. These villages have a poor range of services and facilities and it is often necessary for local residents to travel outside the village for most of their daily needs. These villages generally lack any food shops, have no primary school and may not have a permanent post office or a village hall or meeting place. Development on any scale would be unsustainable in these villages, as it is will generate a disproportionate number of additional journeys outside the village.'*
93. Whilst the village is served by a pub, village hall and an outdoor play space and village green, it is deficient in its function to provide significant sources of employment, primary and secondary education, healthcare or shops. As such, journeys out of the village would be a regular necessity for the majority of residents in order to meet day-to-day needs and services.
94. The applicants maintain that the neighbouring group villages of Harston (1.4 miles), Hauxton (2.4 miles), Fowlmere (3.2 miles), Whittlesford (3 miles) and Foxton (3.2 miles) and the rural centre of Great Shelford (2.8 miles) would, together, provide for the day to day needs of future occupants of this development. However, for the reasons highlighted below, accessing everyday services, education and other facilities in these villages would rely heavily on the private car.
- 95.. The provision of an extended pedestrian footway to the front of the proposal site, which forms part of this proposal, would connect the site to the bus stop (approximately 380 metres) and the centre of the village. A Monday to Saturday bus service (Whippet No.31) connects Newton with Addenbrooke's hospital and Central Cambridge via Hauxton and the Shelfords. However, there is only one bus per day

(07:38am) to central Cambridge via Addenbrooke's with a further 4 terminating at Addenbrooke's. There are 7 buses returning from Cambridge with only 2 of these emanating from the city centre. Whilst the bus stop is within a reasonable distance to the site and accessible via a public footpath, the choice of routes and frequency are limited, with no Sunday services.

96. There are 2 public footpaths connecting other settlements from the village. The shortest of these is to Foxton (approximately 2.5 miles) to the south west via a footpath which crosses farmland from the end of Town Street. A second footpath of towards Sawston (approximately 4.5 miles) is via a footpath which connects to Whittlesford Road approximately 600 east of the site.
97. There are no dedicated cycleways from the village.
98. In the absence of suitable and safe footpaths and cycleways and the distances to settlements that meet those functions as outlined above, there is limited potential for safe or convenient journeys everyday journeys by bicycle or by foot to nearby villages which would not provide a sufficiently attractive or convenient option for future residents.
99. The proposal site is an unsustainable location for the scale of housing proposed, conflicting with the aims of the NPPF which requires that LPA's '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', failing to meet the environmental role of sustainable development and the aims of Policies DP/1, DP/7 and ST/7 of the adopted Local Development Framework 2007. As such, the harm resulting from the unsustainable location is significant and demonstrably outweighs the benefits of the proposal.

Housing Density

100. Both Policy HG/1 and H/7 are considered to be policies that relate to the supply of housing, and are therefore to be considered as being out of date. However, one the aims of the policy is to the need to respond to local character, which is supported by the aims of the NPPF as identified below, and Policies DP/2 and DP/3 of the adopted LDF. Policies DP/2 and DP/3 are not considered to be housing supply policies and are not therefore considered to be out of date. Officers are of the view that considerable weight can therefore be given to Policy HG/1 and H/7 where the proposed density of a particular development compromises local character and the aims of paragraph 58 of the NPPF which states that it should be ensured that developments respond to local character, and history, and reflect the identity of local surroundings and materials.
101. The application proposes new housing at a density of approximately 26 dwellings per hectare (dph). Policy HG/1 requires new developments to make best use of the site by achieving average net densities of at least 30 dph unless there are exceptional local circumstances that require a different treatment. Policy H/7 of the Draft Local Plan confirms that density requirement, but states that it may vary on a site where justified by the character of the locality, the scale of the development or other local circumstances. Whilst this density would not comply with the requirement under Policy HG/1 of the LDF of at least 30 dwellings per hectare, it is considered acceptable in this case given the sensitive nature of the site in the countryside at the village edge.

Affordable Housing

102. Policy HG/3 of the LDF states that proposals for housing developments will only be

permitted if they provide an agreed mix of affordable housing to meet local needs. The amount of affordable housing sought will be 40% or more of the dwellings for which planning permission may be given on all sites of two or more dwellings. Policy H/9 of the emerging Local Plan states that the amount of affordable housing sought will be 40% or more of the dwellings for which planning permission may be given on all sites of three or more dwellings.

103. The proposal would provide 12 affordable dwellings (40%) and comply with Policy HG/3 of the LDF and H/9 of the emerging Local Plan.

Housing Mix

104. Policy HG/2 of the LDF states that in developments of more than 10 dwellings a mix of units will be sought providing a range of accommodation, including one and two bed dwellings, having regard to economic viability, the local context of the site and the need to secure a balanced community.
105. Policy H/8 of the emerging Local Plan states that a wide choice, type and mix of housing will be provided to meet the needs of different groups in the community including families with children, older people and people with disabilities. The market homes in developments of 10 or more homes will consist of:
- a. At least 30% 1 or 2 bedroom homes;
 - b. At least 30% 3 bedroom homes;
 - c. At least 30% 4 or more bedroom homes;
 - d. With a 10% flexibility allowance that can be added to any of the above categories taking account of local circumstances.
106. An indicative mix for all of the dwellings proposed on site (including affordable) has been provided of 12 x two bedroom dwellings (40%), 10 x three bedroom dwellings (33%) and 7 x four bedroom dwellings (24%). If these ratios were reflective of the market housing mix then they would comply with Policy HG/2 of the LDF and Policy H/8 of the emerging Local Plan but details would be required at reserved matters stage.

Environmental.

Character and Appearance of the Area and Impact upon the adjacent Green Belt

107. The proposal would result in encroachment into the countryside outside the existing built-up development within the village framework. The introduction of up to 30 dwellings on a currently open and undeveloped area of farm land that provides a typical landscape setting to the village edge would irrevocably alter the character of the site and extend the village edge.
108. However, this is not considered to adversely affect the character and appearance of the countryside and the landscape setting of the village as the encroachment is limited and contained within an enclosed field with well established existing hedgerows and trees, screening the site from the open greenbelt to the north and a bank of mature trees screens the site from the approach to the village along Whittlesford Road from the east.
109. The site is well screened when viewed from footpath on New Farm Road which lies on higher ground to the north and any new development could be screened by additional landscaping. It would not be overly prominent from the open countryside, nor impact upon the openness of the Green Belt. Any new development would appear

as an extension to the existing built form of the village. It would not be visually apparent on approaching the the village from the east until in close proximity.

Trees and Landscaping

110. The applicants propose the retention of the bank of trees adjacent to Whittlesford Road as well as the hedges and trees to the north and west of the site. A replacement hedgerow is proposed on the site frontage to Whittlesford Road to the south to allow for the highway visibility spays. The trees officer has raised no objection subject to the an arboricultural impact assessment and tree protection strategy which could form part of any reserved matters application.

Biodiversity

111. The replacement hedgerow on the site frontage shown on the indicative layout would not offer the same quality of habitat. However, limited weight can be attached to this policy as the increase in the amount of landscaping across the whole site would provide additional habitats and the remaining hedgerows and trees are proposed to be retained.. The proposal would not therefore be contrary to Policy NE/6 of the LDF.

Heritage Assets (Archaeology)

112. The site lies in an area of high archaeological potential. The development is not considered to result in the loss of any significant features of archaeological interest providing a condition is attached to any consent to secure an archaeological evaluation of the site to preserve any important remains.

Highway Safety and Parking

113. Whittlesford Road connects Newton with Whittlesford (2.8 miles to the east). The road continues to the west of the site where it meets meets a 5-arm crossroads junction in the centre of Newton (approx. 300m).
114. Whittlesford Road is a single lane carriageway and is subject to a 30mph speed limit within the built up part of the village to the west of the site and to the east the speed limit is 60mph. The change in speed restrictions currently lies 57 metres from the centre of the proposed new access.
115. Based upon the applicant's Transport Assessment, the erection of 30 dwellings would lead to approximately 165 two-way vehicle movements in the area during a 12 hour period. This includes 26 movements during the am peak period and 23 movements during the pm peak period. This increase in traffic is not considered to have a significant impact upon the capacity and functioning of the public highway.
116. The new access from Whittlesford Road would measure 5.5 metres in width. Vehicular visibility splays measuring 2.4 metres from the edge of the carriageway x 56.6 metres along the edge of the carriageway to the east and 50.5 metres to the west would be provided. This would accord with Local Highway Authority standards.
117. A new 2 metre wide footway would be provided to connect with the existing footpath along the north of Whittlesford Road. This is accepted and would need to be agreed as part of the Section 106. The Parish Council have requested that the footpath be extended further around the bend on Whittlesford Road to link the houses to the east, however this is not considered necessary and is not warranted as a result of this proposal to make it acceptable in planning terms, nor is it reasonable to require a

S106 agreement to deal with an existing issue.

118. The Parish Council have raised concerns regarding highway safety and request that traffic calming measures be put in place on the highway before the bend in the road to the east of the site, that the 30 mph zone be moved further east out of the village and a new section of 40mph zone be created upto the village sign, east on Whittlesford Road. Highways officers have confirmed that the 30 mph speed restriction is to be moved further east along Whittlesford Road and that further traffic calming measures are not warranted to make the proposal acceptable in planning terms.
119. The indicative site plan does not include detailed parking arrangements other than an indicative plan showing 10 spaces for visitors and that private parking would be provided for each dwelling. The site is considered to be of a sufficient size to accommodate necessary parking provision to satisfy policy TR/2 of the LDF.

Flood Risk

120. The site is situated in flood zone 1 (low risk). However, it has not been demonstrated to the satisfaction of the County Council Flood Team through the submitted Flood Risk Assessment that surface water can be dealt with successfully. On this basis the authority cannot be assured that the proposal would comply with Policy NE/11 of the LDF and increase the risk of flooding to the site and surrounding area. On this basis the proposal is considered to be contrary to the requirements of policy NE/11.

Residential amenity

121. The application is in outline only and therefore the layout plan submitted is for illustrative purposes only. However, officers need to be satisfied at this stage that the site is capable of accommodating the amount of development proposed, without having a detrimental impact on the residential amenity of occupiers of adjacent properties.
122. The indicative site layout appears to show that the proposed dwellings closest to those on Cockle Close would not accord with design guidance for distances between dwellings. However, this would be addressed in the event of a reserved matters application and the site could accommodate the amount of development proposed without having an unreasonable impact on residential amenity through overlooking or overbearing impact. In accordance with the relevant amenity criteria of policy DP/3 of the Local Development Framework

Other matters

123. The site is located on grade 2 (very good) agricultural land. The development would result in the permanent loss of this agricultural land contrary to policy NE/17. However, this policy does not apply where land is allocated for development in the LDF or sustainability considerations and the need for the development are sufficient to override the need to protect the agricultural use of the land. In this case, this is considered satisfactory given the absence of up-to-date policies for the supply of housing in the district and the allocation for development in the emerging Local Plan. Therefore, limited weight can be attached to this policy.
124. The Parish Council has raised that the Local Plan is not adequate for the vitality of the village. However, the local plan policies for villages are categorised in a hierarchy according to their relative levels of local provision and access to everyday services and facilities. The policies themselves allow for development within the framework of

those villages at a level which they can sustain and assimilate.

125. The development is acceptable in relation to foul drainage and contamination.
126. The applicant has provided some indicative designs of the dwellings however these would be considered at reserved matters stage.
127. Existing street lighting exists along Whittlesford Road and a requirement for contributions to upgraded streetlighting is not considered to be necessary to make the scheme acceptable in planning terms.
128. Newton is served by fibreoptic broadband services. However, it would not be considered material to the proposal and could not be secured by condition or S106 agreement.

Developer Contributions

129. Development plan policies state that planning permission will only be granted for proposals that have made suitable arrangements towards the provision of infrastructure necessary to make the scheme acceptable in planning terms.
130. Regulation 122 of the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development of the obligation is: -
 - i) Necessary to make the development acceptable in planning terms;
 - ii) Directly related to the development; and,
 - iii) Fairly and reasonably related in scale and kind to the development.
131. The Local Planning Authority can confirm that there have been only 2 generic contributions towards (i) offsite sports space (ii) offsite children's play space and (iii) offsite indoor community space in Newton since 6 April 2010 and as such (in accordance with the CIL Regulations) there is no legal requirement that future requests must be based on specific projects (until 5 generic contributions have been pooled).
132. The Recreation and Open Space Study July 2013, forming part of the Local Plan submission, showed that Newton had a 0.14 ha surplus of formal and informal children's play space and needed 0.61 ha but had no dedicated Outdoor Sport Provision.
133. Based on a likely housing mix the development would be required to provide circa 300 m² of formal play space and 300 m² of informal play space. The applicant is proposing a central green space area that will go towards satisfying the informal play space (and informal open space) requirements. This area would be required to be laid out prior to the occupation of 50% of the dwellings.
134. The Community Facilities Audit 2009 states that Newton is served by the Village Hall described as "A small and intimate venue primarily kitted out for dramatic performances with a permanent stage and lighting gantry. The building is in need of a general overhaul. The kitchen is dated, and in need of replacement, and toilets are average, but clean and well maintained. The social club attached was not available for inspection, but is a sizable building, including two snooker rooms". A financial contribution based on the approved housing mix would be required in accordance with the published charges as set out in table 5 of Appendix 1 to be determined based upon housing mix at reserved matters stage.

135. The scheme is required to sports space, formal children's playspace, informal children's play space and informal open space through on-site provision or an off-site contribution dependent upon housing mix which would be determined at reserved matters stage.
136. A contribution of £2205 is required towards waste receptacles (based on 30 dwellings) and £500 towards monitoring.
137. Cambridgeshire County Council has requested a contribution of £41,063 towards Primary education. They have requested no contributions towards early years, , secondary education, libraries and life long learning or strategic waste.
138. Please see Appendix 1 for the Heads of terms for the planning obligation. It is considered that all of the requested contributions to date meet the CIL tests. The applicant has agreed to these contributions.

Planning Balance

139. In considering this application, the following relevant adopted Core Strategy and Development Control policies are to be regarded as out of date while there is no five year housing land supply:

Core Strategy
ST/2 Housing Provision
ST/7 Infill Villages

Development Control Policies

DP/1 Sustainable Development
DP/7 Development Frameworks
HG/1 Housing Density
HG/2 Housing Mix
NE/4 Landscape Character Areas
NE/6 Biodiversity
NE/17 Protecting High Quality Agricultural Land
140. 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.
141. In the case of this application outside an infill village, the poor level of services, facilities, employment and sustainable transport options in the village is not considered to represent an exceptional circumstance and therefore significant weight can be attached to the policies in relation to the supply of housing.
142. This report therefore sets out following adverse impacts of the development: -

i) Unsuitable and unsustainable location for this scale of residential development given the position of the site in relation to access to public transport, education, services and facilities and limited local employment.
143. These adverse impacts must be weighed against the following benefits of the development: -

- i) The contribution of 30 dwellings towards the housing land supply in the district based on the objectively assessed 19,500 dwellings target set out in the SHMA and the method of calculation and buffer identified by the Inspector.
 - ii) Developer contributions towards primary education, public open space and community facilities in the village.
 - iii) Employment during construction to benefit the local economy.
144. Whilst it is acknowledged that the policies for the determination of housing in the LDF are out-of-date, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits offered by this application. The proposals would therefore not constitute sustainable development.

Conclusion

145. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should not be granted in this instance.

Recommendation

146. Planning committee REFUSES the application for the following reasons;
1. Newton is identified as an Infill Village in the Adopted Core Strategy DPD 2007, where Policy ST/7 states that development is normally limited to schemes of not more than 2 dwellings within the village framework. The proposed site is outside the village framework of Newton where DP/7 of the adopted Development Control Policies DPD development restricts development to uses which need to be located in the countryside. The Council recognises that the aforementioned policies are currently considered out of date, and that the application therefore needs to be determined in accordance with paragraph 14 of the National Planning Policy Framework, with the presumption in favour of sustainable development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, the Council is of the view that considerable weight can be given to Policy ST/7 as it continues to fulfil a planning objective in and is consistent with the NPPF presumption in favour of sustainable development, by limiting the scale of development in less sustainable rural settlements with a poor range of services to meet the needs of new residents in a sustainable manner. Some weight can also be given to Policy DP/7 as it continues to fulfil a planning objective of limiting development, and is also consistent with the NPPF presumption in favour of sustainable development. The Council also recognises that Policy DP/1 is out of date in so far as DP/1 1a. relates to the supply of housing, however in all other respects the Council is of the view that Policy DP/1 is consistent with the aims of the NPPF in respect of the presumption in favour of sustainable development, and therefore significant weight can be given to Policy DP/1 as it continues to fulfil a planning objective consistent with the NPPF.

In this case the scale of the development proposed is not considered to represent a sustainable form of development as although some local community and social facilities are available, the services in Newton have been found deficient in three areas, which are likely to generate regular journeys. These are the lack of significant sources of employment in the vicinity, the lack of education facilities in the village and that there are no shops within the village. As such, journeys out of the village would be a regular

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

2. Insufficient information has been submitted to demonstrate the proposal would not increase the risk of flooding to the site and surrounding area. The proposal is therefore considered contrary to policy NE/11 of the Local Development Framework 2007.

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Planning File Ref: S/1991/16/OL

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