

## Bench

### SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

7 December 2016

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

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**Application Number:** S/2148/16/OL

**Parish(es):** Foxton

**Proposal:** Outline planning permission for residential development of up to 22 dwellings, with all matters reserved apart from access

**Site address:** Land to the rear of 7 - 37 Station Road, Foxton

**Applicant(s):** Goreway Holdings Limited and Endurance Estates

**Recommendation:** Delegated approval (subject to complete section 106)

**Key material considerations:** Five year supply of housing land  
Principle of development  
Sustainability of the location  
Density of development and affordable housing  
Character of the village edge and surrounding landscape  
Ecology  
Highway safety  
Residential amenity  
Surface water and foul water drainage  
Provision of formal and informal open space  
Section 106 Contributions

**Committee Site Visit:** 06 December 2016

**Departure Application:** Yes

**Presenting Officer:** Rebecca Ward, Senior Planning Officer

**Application brought to Committee because:** The officer recommendation of approval conflicts with the recommendation of Foxton Parish Council and approval would represent a departure from the Local Plan

**Date by which decision due:** 10 January 2017 (extension of time agreed)

#### Executive Summary

1. This outline application seeks approval for up to 22 dwellings (40% affordable) and the new access into the site. All other matters are reserved for later approval. The new access is via Station Road across a grass verge, which is currently owned by

South Cambridgeshire District Council. The grass verge has been allocated as a Local Green Space in the emerging Local Plan by the Parish Council. The site is generally otherwise unconstrained.

2. The illustrative masterplan submitted with the application demonstrates that 22 units could be provided on the site, within adequately sized plots along with the required access routes, level of formal and informal open space. The indicative proposals demonstrate that the residential amenity of neighbouring properties would be preserved and the density of development would allow sufficient space to be retained between the buildings to preserve the residential amenity of the future occupants of the development.
3. There are no technical objections to the proposals from the Highway Authority, the Flood Risk Authority, Environment Agency, Education Authority and none of the Council's internal consultees have recommended refusal.
4. Overall, it is considered that the proposal would bring forward a number of social benefits and make a significant contribution to the ongoing deficit in the Council's five year housing land supply and the significant need for affordable housing. The proposed obligations would also mitigate demands on services, facilities and infrastructure arising from the development. Economic benefits will occur through the increased vitality of the area and the development would help support economic activity and growth.. The proposed designation of the grass verge as Local Green Space can only be afforded limited weight but will in any event be adequately mitigated through the use of an appropriately designed access and planning conditions.
5. These benefits can be afforded significant weight in favour of the proposal and are deemed to clearly outweigh any potential disbenefits which include the loss of part of the grass verge, impact on the street scene and increase in traffic movements..
6. None of the disbenefits are considered to result in significant and demonstrable harm and the development comprises sustainable development having regard to paragraph 14 of the National Planning Policy Framework. The proposal is therefore recommended for approval subject to the necessary safeguarding conditions and section 106 agreement.

### Planning History

- |    |             |  |                         |
|----|-------------|--|-------------------------|
| 7. | PRE/0111/15 | Pre-application advice sought  |                         |
|    | S/0813/05/F | Conversion of existing press into 8 dwellings, demolition of part of press building and erection of 6 houses and erection of 20 affordable houses. | Withdrawn 26 July 2005  |
|    | S/0214/00/F | 16 Lock-up garages and children's play area  | Approved 1 August 2008  |
|    | S/0097/98/F | Shed for storage of ground maintenance equipment (retrospective application)   | Approved 13 March 1998  |
|    | S/1476/98/F | Eight houses, play area and garages  | Refused 23 October 1998 |
|    | S/0861/97/F | Extension to printing works to provide additional storage  | Approved 30 July 1997   |

S/1012/96/F	Full planning application for 5 dwellings	Withdrawn 4 October 1997
S/1117/93/F S/0149/82/F	Vehicular Access (No.37 Station Road) Cultivation storage and testing of agricultural and horticultural products	Refused 1993 Approved 10 June 1982

### **National Guidance**

8. National Planning Policy Framework 2012 (NPPF)  
Planning Practice Guidance (PPG)

### **Development Plan Policies**

9. The extent to which any of the following policies are out of date and the weight to be attached to them is addressed later in the report.

10. **South Cambridgeshire LDF Core Strategy DPD, 2007**  
ST/2 Housing Provision  
ST/6 Group Villages

11. **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  
NE/1 Energy Efficiency  
NE/3 Renewable Energy Technologies in New Development  
NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/8 Groundwater  
NE/9 Water and Drainage Infrastructure  
NE/11 Flood Risk  
NE/12 Water Conservation  
NE/14 Lighting Proposals  
NE/15 Noise Pollution  
NE/17 Protecting High Quality Agricultural Land  
CC/7 Water Quality  
CC/8 Sustainable Drainage Systems  
CC/9 Managing Flood Risk  
CH/2 Archaeological Sites  
SC/9 Protection of existing Recreation Areas, Allotments and Community Orchards  
SF/10 Outdoor Playspace, Informal Open Space, and New Developments  
SF/11 Open Space Standards  
TR/1 Planning For More Sustainable Travel  
TR/2 Car and Cycle Parking Standards  
TR/3 Mitigating Travel Impact

12. **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 SPD– Adopted March 2011

13. **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  
HQ/1 Design Principles  
H/7 Housing Density  
H/8 Housing Mix  
H/9 Affordable Housing  
NH/2 Protecting and Enhancing Landscape Character  
NH/3 Protecting Agricultural Land  
NH/4 Biodiversity  
NH/14 Heritage Assets  
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/9 Managing Flood Risk  
SC/2 Health Impact Assessment  
SC/6 Indoor Community Facilities  
SC/7 Outdoor Playspace, Informal Open Space, and New Developments  
SC/8 Open Space Standards  
SC/10 Lighting Proposals  
SC/11 Noise Pollution  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision  
TI/8 Infrastructure and New Developments

**Consultation**

14. **Foxton Parish Council** - Strongly objects to the proposals and recommends refusal of this application (see appendix 1 for full comments). In summary the Parish Council have objected on the following grounds:

- Increase in traffic and hazardous access
- Loss of amenity space to the front of Station Road
- Impacts to residents adjacent to the development
- Site is outside of the village development framework

A questionnaire was sent out by the Parish Council in which 42 residents raised objections to the proposal this is summarised in appendix B of the parish council's objection.

Update following amendments: Although the Parish Council approve of the proposed changes to the pathway in front of the press cottages, the application as a whole is still contrary to the wishes of local residents and is outside the village envelope. As such, it is felt to be an attempt to exploit the current planning vacuum while the new SCDC local plan is being considered and should therefore be refused.

The Parish Council still objects strenuously to this application. They have had further representation from residents living close to the application site, voicing concerns about the safety of the proposed access. The plans appear to show a bank of 800mm in height, which will significantly reduce the visibility of cars pulling out of the access road. The narrowing of the roadway just inside the road will cause potential traffic safety issues with larger vehicles (particularly dustcarts) turning into the road, as other traffic is attempting to exit. Residents of dwellings on the opposite side of the road often park their cars on the road, which will further complicate matters, and the Parish Council would ask the planning committee to take special note of these traffic issues when visiting the site.

15. **District Council Environmental Health Officer (EHO)** – No objections in principle to the proposed development. However, it was recognised that an assessment will need to be undertaken that considers the potential noise, generated from the traffic on the A10, Station Road and the industrial units, and would have on the residential amenity of the occupants and whether mitigation measures would be required. Details of any lighting on the proposed scheme would also need to be submitted via planning condition.

Noise, vibration and dust minimisation plans will be required to ensure that the construction phase of the scheme would not have an adverse impact on the amenity of neighbouring residents. These details shall be secured by condition, along with a restriction on the hours during which power operated machinery should be used during the construction phase of the development and details of the phasing of the development.

The applicant will be required to complete a Waste Design Toolkit at the reserved matters stage in order to show how it is intended to address the waste management infrastructure, and technical requirements within the RECAP Waste Design Management Design Guide. In addition conditions should secure the submission of a Site Waste Management Plan. Provision of domestic waste receptacles by the developer will be secured via the Section 106 agreement.

16. **District Council Urban Design Officer** – The principle of development on the site appears acceptable from a design point of view. The proposed scheme would not extend development any further west than the business park buildings, or the buildings around Villiers Park to the north of the site. The proposed density is 25dph, which is relatively, low, but appropriate for this edge of village location. A maximum of two storey development is considered appropriate for this location.

The comments from landscaping colleagues relating to the A001 tree belt, and not including these trees within private gardens should be addressed in this outline permission. The site is still capable of providing adequate space for 22 units if this area were not included in the developable area. Considerations were also put forward setting out parameters for any future reserved matters application.

17. **Natural England** - no comments to make on the application.
18. **District Council Landscape Design Officer** – No objection with a development upon

this site. However, it is recommended that the applicant considers the following to conserve and enhance the local landscape character and visual / visual amenity:

- Retains trees to the east of the site. With the exception of dead or diseased trees.
- Incorporates additional enhancement tree planting to the east of the site
- A001 tree belt to be excluded from the development site and included within a separate management regime to protect and preserve this landscape characteristic.

19. **Cambridgeshire County Council Local Highway Authority (LHA)** – Following the submission of the following plans: PL01 Rev. B, PL02 Rev. B, PL03 Rev. B, PL04 and PL05 the details are considered to be acceptable to the Highway Authority.

In terms of the proposed footway provision the LHA would seek that it is conditioned that these works are fully complete prior to the occupation of any of the dwellings, to provide a suitable pedestrian route to the village and or railway station for any of the new residents. These works will require a section 278 agreement under the Highways Act 1980, when the detailed design of the narrowing required by the retention of the mature tree at the end of the northern leg of the footway will be finalised.

20. **Cambridgeshire County Council Historic Environment Team (Archaeology)** – No objection are raised to the principle of development. The site is considered to be of potentially high archaeological significance. As such, a standard condition requiring a scheme of investigation to be agreed and any necessary measures carried out prior to the commencement of development, to ensure that any risk to archaeology is mitigated is required.

21. **Cambridgeshire County Council Flood & Water Team (LLFRA)** – Following the submission of further details to clarify the drainage proposals; the applicant has demonstrated that surface water can be dealt with on site by using permeable paving, soakaways and an infiltration basin which will all provide approximately 197m<sup>3</sup> of surface water attenuation and will ultimately discharge into the ground. The LLFA is supportive of the use of permeable paving as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse). It is recommended a surface water drainage strategy condition is imposed to the outline planning permission.

22. **Environment Agency** - The site lies in Flood Zone 1. The Environment Agency has no objection to the scheme, highlighting the need for the LLFRA to be consulted on the contents of the drainage strategy submitted with the application.

23. **Drainage Officer** - The applicant has demonstrated sufficiently for an outline application that a suitable surface water drainage strategy can be delivered on the site. A suitable condition should be attached to the application that requires a detailed surface water drainage strategy in accordance with the submitted information including details of management and maintenance.

24. **Anglian Water (AW)** – AW has commented that in relation to foul drainage, wastewater from the development would be treated at Foxton Water Recycling Centre and that the facility currently has capacity to deal with flows from the development. The sewerage system is also considered to have available capacity to accommodate the additional demands placed on the infrastructure by the proposed development. Advise that the Environment Agency and the LLFRA should be consulted with regard

to surface water drainage.

25. **Contaminated Land Officer** - The site has been identified as possibly having contamination which needs to be investigated. The presence of made ground and an infilled pond have been highlighted in the desk study. A full phase 2 investigation has been proposed. The site requires further investigation and assessment to determine its suitability and a condition can be applied to cover this work.
26. **Air Quality Officer** – No objection and no further assessment of air quality is considered to be necessary. To ensure that sensitive receptors in the vicinity of the development are not affected by the negative impact of construction work such as dust and noise, as well as ensuring that the applicant complies with the Council's low emission strategy for a development of this scale, conditions should be included that require the submission of a Construction Environmental Management Plan/Dust Management Plan, and an electronic vehicle charging infrastructure strategy
27. **Affordable Housing Officer** - The site is outside of the village framework and in accordance with Policy H/10 'Rural Exception Site Affordable Housing' the site, should be developed as 100% affordable housing. If however the site is considered as being inside the village framework, due to the lack of 5-year land supply, then there is a requirement to provide 40% affordable housing on developments of 3 or more dwellings. Endurance Estates consulted us at the pre-app stage regarding our preferred mix for the affordable housing, which was the following: 6 X2BH, 2X1BH and 2X3BH. Our district wide tenure split is 70/30, which is in favour of rented.

The applicant has proposed to build 13 market dwellings and 9 affordable dwellings, which is 40% affordable housing. There are currently 32 applicants on the housing register with a local connection to Foxton, whose need is predominantly for 1 and 2 bed accommodation. The proposed affordable housing scheme comprises 2x 1bed houses, 5x 2 bed houses and 2 x 3 bed houses. The mix would be consistent with local housing need.

In terms of the S106 agreement, the first 8 properties should be allocated to those with a local connection to Foxton and the remaining 1 will provided to applicants with a District wide connection. A registered provider should be appointed to manage the affordable housing; we would like to be informed when a Registered Provider has been appointed so that we can discuss the delivery of the affordable housing with them.

The rented properties should be advertised through home link and be open to all applicants registered in South Cambs. The shared ownership properties should be advertised through BPHA (Bedfordshire Pilgrims Housing Association) who are currently the governments appointed home buy agent in this region.

For clarification the above need has not taken into account the Fowlmere Road exception site, which is currently being delivered. This will be updated in the next Housing Statical Leaflet when they are all in occupation.

The access to the site is through land currently owned by the District and County Councils. The impact of this access would need to be mitigated, especially in respect of landscaping, boundaries, vehicular access and car parking arrangements for the tenants of the adjacent existing council properties and those that have been sold through Right to Buy.

28. **Section 106 Officer** – details of the summary of section 106 requirements are

appended to this report and discussed in detail in the below paragraphs. Specific policy compliant contributions (final figure dependent on housing mix to be determined at the reserved matters stage under scale of development) are requested towards:

- Public open space
- Householder waste and recyclables
- Monitoring fees
- Other – contributions toward Dovecote

29. **Cambridgeshire County Council Growth Team** – The CCC growth team raised no objections to the proposed development in terms of educational, library and waste capacity. The following areas were covered in their comments:

Early years – No contributions sought

Primary needs – No contributions sought

Secondary education – No contributions sought

Libraries and life long learning – No contributions sought

Strategic Waste – No contributions sought

Update from the CCC following concerns about capacity levels from local residents:

In September 2016, the primary school had 106 children on roll compared to a capacity of 119 places. Therefore, there is limited capacity at the school. However, the primary aged population of the catchment is forecast to be around 75-85 children over the next five years, hence if out-catchment options are discounted, there are around 34-44 surplus places. As the development is only generating 8 pupils then there should be sufficient space for these pupils.

30. **Historic Buildings Officer** – The impact of the new road will result in the loss of the deep verge and some trees, which do contribute positively to the setting of 22 Station Road (Grade II listed cottage), and to a lesser degree 18 Station Road (also a Grade II listed cottage), as well as the general street scene.

As the grassed areas form a hump with a reasonable level change, consideration should be given as to how these will be re-profiled when the road is constructed. Designs should seek to minimise the visual impact on the street scene, and not appear be overly engineered (retaining walls for example should be avoided). Replacement tree planting should be part of any new access works so that the character of the street is retained.

The development is sufficiently distanced from the conservation area that it will not cause harm to its setting.

31. **NHS England** – no comment to make on the application due to the size of the scheme (below 50 dwellings).

32. **District Council Ecology Officer** – No objections raised to the application in principle and no further ecological surveys are required to inform the application. However, as semi-natural broad-leaved woodland is a Biodiversity Action Plan/Section 41 habitat and likely wildlife corridor, this needs to be retained and protected within the scheme to meet Local Development Framework policy NE/6. The woodland is included within garden curtilages in the indicative masterplan and therefore, long-term retention cannot be assured. This would need to be rectified for the scheme to be acceptable. The woodland also needs to be appropriately managed in the long-term. Thinning and planting of appropriate native understorey shrubs would be acceptable, depending on details of the specification.

In addition, although not a priority habitat, the species-poor hedgerow along the southern boundary should ideally be retained and protected outside of garden boundaries. Compensatory tree planting using species of benefit to wildlife, ideally native species of local provenance, will also be required. A scheme of biodiversity enhancement would also need to be included and would need to include native planting (such as the proposed native meadow mix) and in-built features for roosting bats, nesting birds and invertebrates. Approximately ten in-built features should be included to meet SCDC Biodiversity SPD which targets 50% of new dwellings to have in-built biodiversity enhancements.

It is unclear how close the outlier badger sett is to the construction boundary. If the sett entrance were within 30m of the site, a pre-commencement badger survey would be required before works proceed to determine whether activity has increased.

Appropriately worded conditions were recommended including a scheme of biodiversity enhancement. Details of lighting design would also need to be sensitively designed to retain habitat for light sensitive species such as foraging bats.

33. **Sustainability Officer** – The document provided by the applicant makes reference to all the appropriate energy, carbon and water saving measures required to achieve local policy compliance. It does not tell the reader anything about the specifications that will be used within the development that outline permission is required for. As a result I would expect the following requirements be made conditions of this application:

The applicant must submit a water conservation statement that demonstrates the specification dwellings will be built to, to achieve water use of no more than 105litres per person per day internal use, with an additional 5 litres for outdoor use as detailed in Building Regulations Part G. This must be supported with calculations made using the latest Building Regulations Part G methodology.

The applicant must submit an energy statement that demonstrates the specification dwellings will be built to, to be fully compliant with the minimum requirements of Building Regulations Part L and achieve a minimum 10% reduction in the developments carbon emissions using on site renewable energy technology. This must be supported with detailed SAP calculations based upon the applicants chosen building specification.

34. **District Council Tree Officer** – Having reviewed the quality of trees on site (in the location of the verge / access point) that are to be removed it is consider they have limited amenity value to warrant their retention.

Other trees internal to the site are also proposed for removal to accommodate the development and I am of the opinion that some effort could be made to incorporate these rows and copses of trees into the layout. I do appreciate that they are not in any way legally protected but their retention might help make the principle of the application more palatable.

The applicant will be expected to provide a comprehensive soft landscaping scheme includ tree planting. If you're minded to approve the application please impose a pre-commencement soft landscaping scheme.

35. **Cambridge County Council Minerals and Waste Team** - Policy CS26 and the associated designation seek to ensure that the needless sterilisation of mineral

resource will not occur. The policy states that development will only be permitted when the applicant has demonstrated that the mineral is no longer of any economic value; or can be extracted prior to development; or it will not inhibit extraction; or the development is not incompatible.

However, in this instance the proposed development is located immediately adjacent to existing development, which would act as a constraint to mineral extraction. In this circumstance it is unlikely that the mineral could be worked as an economic resource, and the Council will not raise any objection to proposed development on this site in this context.

However, in the event that mineral is extracted during the course of the proposed development the County Council would expect to see the mineral put to a sustainable use i.e. either used in the development itself or potentially taken off site to be processed and used for aggregate purposes (in the event of the latter advice should be sought from the County Council as this may require planning permission from the County Council as the Mineral Planning Authority). Ensuring the sustainable use of mineral extracted during the course of a development is consistent with the principles of the adopted Minerals and Waste Core Strategy (Policy CS42) which addresses incidental mineral extraction.

In addition to the above Policy CS28 Waste Minimisation, Re-use, and Resource Recovery of the adopted Core Strategy requires any development over the value of £300,000 to provide a waste management audit and strategy, and to submit a completed RECAP Waste Management Design Guide Toolkit. Both of these can be secured by planning conditions and suggested wording is set out.

### **Representations**

36. As highlighted in Foxton Parish Council Comments a questionnaire was sent around with 42 members of the public raising objections to the application. The Council received roughly 8 objections to the planning application. The following materials concerns were raised:

- Connectivity of the footways
- Impact on local green space
- Concerns with water run-off from the widening of the pathway
- Concerns with the traffic from Burlington Park
- Not consistent with previous decisions on the site S/1117/93/F and S/1476/98/F
- Impact of the access road on the character and appearance of the area
- Highway safety concerns with the access
- Impact on junction onto the A10 and additional queuing traffic
- Removal of valued green land
- Services and facilities (school, drains and sewage) have limited capacity
- Impact to the setting of listed buildings
- No requirement for affordable units
- Transparency concerns between departments and the land owner

### **Site and Surroundings**

37. The application site is located outside of the Foxton village framework, the boundary of which skirts the eastern boundary of the site. The site is north of the Foxton conservation area with the closest listed buildings at No.18 and No.22 Station Road and Foxton House to the west. There is a grouped Tree Preservation Order covering

a range of trees on the northeast corner of the main site and to the parcel of land fronting Station Road.

38. To the east of the site there are a group of residential properties, associated garages and private access road. To the south there is an industrial estate and to the north is Villiers Park Educational Centre. To the east of the site is undeveloped land. The site is currently accessed via an informal arrangement from the industrial estate to the south.
39. The new access is via Station Road across a grass verge, which is currently owned by South Cambridgeshire District Council. The grass verge has proposed to be allocated as a Local Green Space in the emerging Local Plan by the Parish Council.

### **Proposal**

40. The applicant seeks outline planning permission with full details of access only (matters of landscaping, scale, appearance and layout are reserved) for the erection of up to 22 residential units with associated access, parking and landscaping.

### **Planning Assessment**

41. The key issues to consider in the determination of this application in terms of the principle of development are the implications of the five-year supply of housing land deficit on the proposals. An assessment is required in relation to the impact of the proposals on the character of the village edge and surrounding landscape, impact to street scene and listed buildings, highway safety, the residential amenity of neighbouring properties, environmental health, surface water and foul water drainage capacity, the provision of formal and informal open space and other section 106 contributions.

### **Principle of Development**

Five year housing land supply

42. The National Planning Policy Framework (2012) (NPPF) requires councils to boost significantly the supply of housing and to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
43. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 3.9 year supply using the methodology identified by the Inspector in the Waterbeach appeals in 2014. This shortfall is based on an objectively assessed housing need of 19,500 homes for the period 2011 to 2031 (as identified in the Strategic Housing Market Assessment 2013 and updated by the latest update undertaken for the Council in November 2015 as part of the evidence responding to the Local Plan Inspectors' preliminary conclusions) and latest assessment of housing delivery (in the housing trajectory November 2015). In these circumstances any adopted or emerging policy which can be considered to restrict the supply of housing land is considered 'out of date' in respect of paragraph 49 of the NPPF.
44. Unless circumstances change, those conclusions should inform, in particular, the Council's approach to paragraph 49 of the NPPF, which 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. Those policies were listed in the approval decision letters and are: Core Strategy DPD policies ST/2 and ST/5 and Development Control

Policies DPD policy DP/7 (relating to village frameworks and indicative limits on the scale of development in villages). The Inspector did not have to consider policies ST/6 and ST/7 but as a logical consequence of the decision these should also be policies “for the supply of housing”.

45. 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 ‘merely policies in the Development Plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites,’ but also to include, ‘plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed.’ Therefore all policies which have the potential to restrict or affect housing supply may be considered out of date in respect of the NPPF. However 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, having regard to, amongst other matters, the purpose of the particular policy.
46. Where a Council cannot demonstrate a five year supply of housing land, 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.
47. 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, unless other national policies indicate an exception to this, Green Belt land is one such exception. Sustainable development is defined in paragraph 7 of the NPPF as having environmental, economic and social strands. When assessed these objectives, unless the harm arising from the proposal ‘significantly and demonstrably’ outweighs the benefits of the proposals, planning permission should be granted (in accordance with paragraph 14).
48. The site originally came forward in the SHLAA call for sites (July 2012) and following an initial assessment, it was considered to warrant further consideration. However, it was concluded at the time the site is not capable of providing residential development taking account of constraints which included townscape and landscape impact.
49. The site is located outside the Foxton village framework, although adjacent to the boundary of the village, and in the countryside, where policy DP/7 of the LDF and Policy S/7 of the Draft 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. The erection of a residential development of 22 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.
50. It falls to the Council as decision maker to assess the weight that should be given to the existing policy. Officers consider this assessment should, in the present application, have regard to whether the policy continues to perform a material planning objective and whether it is consistent with the policies of the NPPF.

51. Development in Group Villages (the current status of Foxtton) is normally limited to schemes of up to 8 dwellings, or in exceptional cases 15, where development would make best use of a single brownfield site. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting the scale of development in less sustainable rural settlements with a limited range of services to meet the needs of new residents in a sustainable manner.
52. In the emerging Local Plan Foxtton is to remain as a Group Village. This emphasises that such villages are less sustainable minor rural settlements with a more limited range of services to meet the needs of new residents in a sustainable manner. Such villages are, amongst the smaller settlements within the District, however, it is recognised that these villages should be treated on their individual merits with an assessment being undertaken in terms of their accessibility to employment, education, and services.
53. As part of the case of the applicant rests on the current five year housing land supply deficit, the developer is required to demonstrate that the dwellings would be delivered within a 5 year period.
54. A delivery statement has been submitted by the agent, which sets out the terms of delivery. Officers are of the view that the applicant has demonstrated that the site can be delivered within a timescale whereby weight can be given to the contribution the proposal could make to the 5 year housing land supply.
55. The proposals are assessed below against the social and economic criteria of the definition of sustainable development. The environmental issues are assessed in the following sections of the report.

#### Environmental sustainability

##### *Loss of agricultural land*

56. In relation to the loss of higher grade agricultural land, policy NE/17 states that the District Council will not grant planning permission for development which would lead to the irreversible loss of grade 2 (in this case) agricultural land unless:
  - a. Land is allocated for development in the Local Development Framework
  - b. Sustainability considerations and the need for the development are sufficient to override the need to protect the agricultural value of the land.
57. The site is not allocated for development in the existing or the emerging Local Plan. However, given the sustainable location of the site for residential development and the fact that the Council cannot demonstrate a five year supply of housing land, it could be argued that the need for housing overrides the need to retain the agricultural land when conducting the planning balance. Given the extent of the housing supply deficit, it is considered that compliance with criteria b of NE/17 should be afforded more weight than the conflict with criteria a. criteria b of NE/17 should be afforded more weight than the conflict with criteria a.

#### Social sustainability

##### *Supply of Market and Affordable Housing*

58. 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. The development would provide a clear benefit in helping to meet the current housing shortfall in South Cambridgeshire through delivering up to an additional 22 residential dwellings, 40% of these units (up to 9) will be affordable.

59. Ensuring that the housing mix of the market dwellings complies with emerging policy H/8 (being afforded more weight than the existing policy due to compliance with the NPPF and the nature of the unresolved objections to the policy) can be secured by condition at this outline stage. The affordable housing can be secured through a Section 106 agreements.
60. The indicative mix for market housing given in the application form is 49% 1 and 2 bed units, 32% 3 bed units and 18% 4/5 bed units. This would partly meet the requirements of emerging policy H/8, which requires a mix of at least 30% of each category with 10% to be distributed across the development. There would be a deficiency in meeting the percentage of larger homes, however, it has been indicated that there is a stronger need to meet the first time buyers market at present and officers have no reason to object to this statement.
61. Officers are of the view the provision of 22 additional houses, including the affordable dwellings, is a benefit and significant weight should be attributed to this in the decision making process, particularly in light of the Housing Officer's confirmation that there is a demonstrable need for affordable housing in Foxton (32 people with a local connection and roughly 1700 people district wide on the district wide register). The exception site that is currently being delivered elsewhere in Foxton has not been taken into account in the up to date housing need leaflet, however, even when taking this into account there is still would be occupants with a local connection on the register.

#### *Open Space*

62. On a site for a development of this scale the, adopted Open Space SPD requires the provision of approximately 67 m<sup>2</sup> of formal play space, 167 m<sup>2</sup> of informal play space and around 188 m<sup>2</sup> of informal open space would be required meaning a total onsite provision should be 522 m<sup>2</sup>. At the density proposed, this indicative scheme indicates that a minimum of 849 square metres of open space, with garden sizes on the northern edge exceeding the required standard substantially in a number of cases, could be achieved. When combined with the size of private garden space, the amount of open space to be provided is considered to represent a social benefit of the scheme.
63. Paragraph 204 of the NPPF relates to the tests that local planning authorities should apply to assess whether planning obligations should be sought to mitigate the impacts of development. In the line with the CIL regulations 2010, the contributions must be:
  - necessary to make the scheme acceptable in planning terms
  - directly related to the development
  - fairly and reasonably related in scale and kind to the development proposed.
64. The Parish Council have suggested there is a need to provide an extension to the existing recreation ground in order to accommodate sports groups within the village. At this stage there is no guarantee of the delivery on this project as it is reliant on third party landowners, however, the applicants have showing willingness to contribute towards this facility. Officers have considered its compliance with CIL under the S106 section of this report. Subject to the contributions being used for this purpose, this

level of provision is considered to be a significant social benefit of the proposals.

65. Another social and environmental benefit of the scheme would be the retention of the ecology enhancement corridor along the northern boundary that will be secured via condition and through a S106 agreement.

#### *Accessibility to services and facilities*

66. Paragraph 7 of the NPPF states that the social dimension of sustainable development includes the creation of a high quality built environment with accessible local services. As such, this scale of development must be considered in light of the facilities in Foxtton and the impact of the scheme on the capacity of public services.
67. There is a train station on the opposite side of the road from the site. This station is accessible from the site via public footpaths. There are frequent, high-speed trains into Cambridge, Royston and London (with additional stops along the route). There are bus stops on Station Road. These bus stops are accessible from the site via lit public footpaths. There is an hourly bus service from the village starting at 06:18 and the last one leaves about 18:30 (Monday to Friday). There are also services on Saturday but are less frequent.
68. Given the close proximity of the site to the train and bus services and given their frequency, it is considered that the site is well served by public transport to Royston, Cambridge and London. All of which have a wide range of facilities and employment opportunities to meet more than day to day needs. For those that wish to do a longer commute there is a cycle path along the edge of the A10 that links Foxtton to Harston where there are a few employment options. This enhances the environmental sustainability of the scheme by reducing reliance on car travel.
69. The village also has a pavilion and community centre along with a LEAP, recreation ground, skate park, bowling green and allotments, public house, dovecote and meadows, Methodist church and post office/shop unit.
70. Despite an appeal being dismissed elsewhere in the village on listed building grounds, the inspector found Foxtton to be a sustainable location where they considered services in the village to be realistically accessible by other methods than the private car and access to a network of rural and urban facilities ( council ref: S/2580/15/OL and appeal decision APP/W0530/W/15/3084325).

#### *Education Provision*

71. The County Council as the relevant Authority has identified that the number of children estimated within the population increase that would result from the development would not require an increase in the capacity of provision of any of the three tiers of education (early years, primary and secondary). The comments confirm that Foxtton pre-school, Foxtton Community Primary School and Melbourn Village College. This information is considered to enhance the social sustainability of this scheme.

#### *Health Care Provision*

72. In terms of health impact, the applicant has submitted an Impact Assessment in this regard. This Assessment concludes that the NHS website indicates that the two surgeries have the capacity to accept new patients. NHS England has not provided a response on the application as it is below their threshold of 50 dwellings for providing

comments, however, on the previous appeal for Shepreth Road, Foxton (ref:S/2822/14/OL) NHS England indicated that both Melbourn and Harston surgery are significantly undersized for their current list sizes.

73. Each surgery has only had one pooled contribution since 2010 and as such the Council could lawfully request a health contribution towards these services. This sum would be in the region of £6784 based on the calculations provided by NHS on the Shepreth Road, Foxton site. As Harston Surgery has only had one pooled contribution to date officers consider it reasonable to request a contribution towards the improvements to this practice subject to a project coming forward. The applicant has expressed willingness to enter into S106 agreement on this basis.

#### *Conclusion*

74. Given the above assessment and the supporting evidence, it is considered that the adverse impacts of the development in terms of social sustainability would not represent a demonstrable level of harm that would outweigh the benefits of the provision of additional housing within the context of the Council's lack of a 5 year housing land supply.

#### *Economic sustainability*

75. The provision of 22 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.
76. The developer has submitted an indicative delivery statement to indicate when onsite development could commence. It states that within 1.5 years submission of reserved matters, 3 years development will commence on site and within 5 years completion of all dwellings on site.
77. Overall, it is considered that the proposed development would achieve the social and economic elements of the definition of sustainable development, subject to the mitigation measures quoted above, which the applicant has agreed to in principle and can be secured via a Section 106 agreement.

#### **Density of development**

78. The scheme would be of a lower density than required by policy HG/1 of the LDF and emerging Local Plan policy H/7 (30 dwellings per hectare) at approximately 26 dwellings per hectare. However, both policies include the caveat that a lower density may be acceptable if this can be justified in relation to the character of the surrounding locality. Given that the application site is located on the edge of the settlement and that development within the framework to the west is of low density (heading eastwards from the centre of the village), it is considered that this proposal meets the exception tests of the current and emerging policy with regard to the density of development.

#### **Character of the street scene, village edge and surrounding landscape**

79. The site lies in the national landscape character area (as defined by Natural England as area 87). The Strategic Housing Land Availability Assessment (SHLAA) refers to the South Cambridgeshire Village Capacity Study (1998) which identifies Foxton as being dominated by rolling chalk land hills and expansive arable fields to the south and its linear form being along the High Street. The assessment proceeded to state that

'the development of this site and the creation of the new access to Station Road would have an adverse effect on the townscape character of Foxton by way of loss of linear character, detriment to the setting of listed buildings on Station Road and creation of an embanked access road'.

80. It is important to state that this assessment was undertaken for the purposes of the Emerging Local Plan and whilst it does carry some weight, there is a requirement to consider sites on their own merits and taking into account the lack of five year housing land supply. As such, these points are reviewed below.

#### Landscape Impact

81. In relation to the linear character, the site forms part of an enclosed landscape on the western edge of the village being screened by tree belts to the north west and south west. There is the in-depth development of Hall Close and Villiers park educational trust to the north and the relatively large industrial estate to the south that will enclose the site from views the High Street and Conservation Area. As such, it is considered the proposed development would have only a limited adverse impact on the linear character of Foxton in this location.
82. In relation to the specific proposal, the Landscape Design Officer (LDO) agrees with the visual assessment submitted in support of the application and concludes that, the site is relatively contained in visual terms by hedge planting and tree belts and welcomes the intention to incorporate the tree belt on the northern boundary into the scheme. The LDO considers that the building heights should be limited to two storeys to reflect the surrounding area.
83. In addition to this, the indicative layout plan is considered to demonstrate that the proposed density of development would allow the retention of a landscape 'buffer' on the northern edge of the development.

#### Impact on the street scene

84. At present the embanked area to the front of the properties along Station Road has no formal designation. However, the Parish Council have requested for this land to be allocated as a Local Green Space in the emerging Local Plan and for it to become part of the Conservation Area. It is clear from the representations made to the application that some local people do value this area of currently open land.
85. Paragraph 77 of the NPPF states that a Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used in more exceptional cases where:
- green space is in reasonably close proximity to the community it serves;
  - green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
  - green area concerned is local in character and is not an extensive tract of land.
86. A recent appeal decision in Fulbourn (Council ref: S/2273/14/OL and APP/W0530/W/15/3139730) with reference to a Court Judgement, indicated that in the absence of any formal landscape designations or other protection, a site needs to have some "demonstrable physical attribute rather than just popularity" for it to be considered as valued under National Planning Policy Framework, paragraph 109.

87. As there have been objections to the designation as a Local Green Space in the emerging plan officers can only give limited weight to this policy in the decision making process. However, there is still a need to assess the impact of the new access on the character and appearance of the street scene and whether this is suitable.
88. The green space is 10m in depth at its widest point and roughly 4m in depth at its narrowest. The parcel of land lies adjacent to Station Road, which is one of the key routes into the centre of the village. The majority of dwellings along Station Road have reasonable sized front gardens which provide a soft edge to the street. There are a number of trees along the bank that are considered to positively contribute to the street scene.
89. The Press cottages (linked to the old industrial park to the south) were first shown in historic maps dating from 1938. The grass bank was retained to the front of these properties. The bank could have been previously used as a recreational space for these properties; however, this relationship has clearly changed over time with boundary fences, Station Road and hedging separating these areas.
90. Officers consider the bank does provide an important soft landscape feature to the street scene and the erosion of this space would clearly need to have wider public benefits in order for a cross over to be acceptable. This was the case when the Council decided to reject an application for a vehicle crossover to one of the existing press cottages in 1993.
91. The applicant has submitted a number of visual montages and section drawings to demonstrate how the access will be achieved without having a significant adverse impact on the street scene. The drawings demonstrate the access will be banked into the green space with the grassed land gradually falling down to the kerbside of the new access road. There would not be a need for any retaining walls to achieve this.
92. Whilst four trees will need to be removed, none are considered to be of particular merit, nor does the Tree Preservation Order on the site cover these particular species. To mitigate the harm the applicant has indicated they would be willing to provide additional planting in this area if required.
93. The removal of this section of the grass verge, to allow for an access road to a group of new market and affordable dwellings, is not considered to cause a significant impact to the character of the street scene.

#### Impact on the setting of the Listed Buildings

94. Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires decision-makers to pay "special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses."
95. Paragraph 132 of the NPPF, in the section dealing with the conservation and enhancement of the historic environment, states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".

96. Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm or to a total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
97. Paragraph 134 of the NPPF says that “(where) a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.
98. Recent planning case law has confirmed that having “special regard” to the desirability of preserving the setting of a listed building under section 66 involves more than merely giving weight to those matters in the planning balance. In particular, case law has confirmed that “preserving” in the context of Listed Buildings means doing no harm.
99. This green bank to the front of the site is considered to contribute positively to the setting of No.22 Station Road (grade II listed cottage) and No.18 Station Road (grade II listed cottage). The location of the proposed access is situated to the north of No.22 by roughly 10-15m and as such is not directly opposite the listed building.
100. The Historic Building Officer stated that consideration should be given to how the land would be re-profiled when the road is constructed and that any design should seek to minimise the visual impact on the street scene.
101. Following this submission of the amended drawings officers consider the listed building will still be read within the same context and alongside the green bank. For this reason, officers consider the setting of the listed building will be preserved as a result of the development in accordance with section 66, paragraph 133 of the NPPF and policy CH/4 of the Local Development Framework.

#### Trees

102. There is a grouped Tree Preservation Order at the front on Station Road which covers horse chestnut, thorn, birch, elms and flowering cherries. There is also a grouped Tree Preservation Order in the north east corner of the site which covers several horse chestnut, elm, willow and beech C/11/17/030/04.
103. A small cherry sapling is situated to the front of the site in the location of the proposed access. Whilst the sapling is considered to be of visual value, it is in a poor condition with severe damage to the roots and stem base. Due to its limited size it is not considered to significantly contribute to the street scene.
104. The application would also seek to remove four rowan whitebeam trees to the front of Station Road. They are considered to be of moderate visual value to the street scene. All the other trees on the bank will be retained. The Councils Tree Officer considers that their loss would not be deleterious to the amenity of the area provided replacement planting could be incorporated into this area. The applicant has agreed to this request in order to mitigate the impact.

#### Ecology

105. The Ecology officer has no objection to the proposals, however, requested that the semi-natural broad-leaved woodland is a Biodiversity Action Plan/Section 41 habitat

and likely wildlife corridor, should be retained and protected within the scheme to meet Local Development Framework policy NE/6.

106. The woodland (10m wide buffer strip) has now been removed from the garden curtilages and will be managed by a maintenance company, alongside the open space, to ensure the long-term retention can assured. This will be included within the S106 agreement and conditioned on the decision notice.
107. Additional conditions have also been suggested for mitigation measure, pre-commencement badger survey and bio diversity enhancement measure. All of which are considered to be suitable.

#### *Conclusion*

108. Despite the conclusions identified in the SHLAA assessment (July 2012), the proposal demonstrates that the perceived impact of the new access road would cause limited harm to the street scene, setting of the listed buildings, ecology and trees. In accordance with paragraph 14 of the NPPF, this harm is not considered to significantly and demonstrably outweigh the benefits of the scheme in contributing towards the housing need in the district.
109. **Highway safety and parking**
110. The Highway Authority has raised no objections to the scheme. Standard conditions in relation to the management of traffic and materials during the construction phase of the development, the level of the access being constructed to prevent displacement of surface water onto the highway can be added at this outline stage. The highway authority has also requested the widening of the footpath to the front of the houses along Station Road. A scheme for this work, including a completion trigger can be secured by condition.
111. The junction from Station Road onto the A10 is busy during peak hours and the issue is exasperated by the railway line crossing with trains running frequently throughout this period. The scheme will introduce up to 22 new units on the site, all of which will have alternative convenient options to travel. It is not expected that all occupants will leave and return to the site at the same time by motor vehicle and as such the impact this scheme would have to the main junction is not considered to get significantly worse to a point where the harm to the road network would be so demonstrable to outweigh the benefits of the scheme.
112. Given the low density of the scheme, it is considered that there would be sufficient space to locate 2 car parking spaces on each plot, meeting the requirements of the LDF standards of 1.5 spaces per dwelling across developments with additional room for visitor parking.

#### **Residential amenity**

113. The application is in outline only and therefore the layout plan submitted is for illustrative purposes only. However, officers need to be satisfied at this stage that the site is capable of accommodating the amount of development proposed, without having a detrimental impact on the residential amenity of occupiers of adjacent properties. The indicative layout plan is considered to indicate that the separation distances as prescribed in the adopted Design Guide (25 metres between elevations with habitable windows, 12 metres from elevations with windows facing blank elevations) can be achieved in terms of loss of light, overbearing and overlooking

issues.

114. South of the site is bounded by Burlington Printing a medium to large sized industrial type units / uses including light industrial and warehouse type uses. Noise from activities and vehicle movements are material considerations with significant negative impact potential in terms of health and well being and a poor quality living environment and possible noise nuisance.
115. Following comments from the Environmental Health Officer, a noise report has been submitted along with additional details of the extract fans, which details the impact the adjacent commercial premises, educational centre and the noise from the A10 would have on the occupants and this is not considered to be significant. In this instance it was considered necessary to incorporate mitigation measures including glazing and background ventilation (acoustic trickle vents) to any future units on the site.
116. Standard conditions relating to the construction phase of the development have been recommended by the EHO and these can be attached to the decision notice.
117. It is considered that the proposed number of units can be accommodated on the site without having any adverse impact on the residential amenity of neighbouring properties or the occupants of the proposed development in accordance with DP/3 and NE/15 of the Local Development Framework.

#### **Surface water and foul water drainage**

##### Surface water drainage

118. Cambridgeshire County Council as LLFRA have raised no objection to the application on the basis that the applicant has demonstrated that surface water can be dealt with on the site by using permeable paving, soakaways and an infiltration basin which will all provide approximately 197m<sup>3</sup> of surface water attenuation and will ultimately discharge into the ground. A detailed surface water drainage scheme should be submitted within any application and should be based upon the principles of the agreed Flood Risk Assessment.
119. The Environment Agency has raised no objection to the application. The site is located within flood zone 1 and is therefore considered at a low risk of flooding. As Anglian Water and the LLFRA have not objected to the proposals in relation to the surface water run off rates if the development was permitted, it is considered that the applicant has demonstrated that flood risk would not increase (on or off site) beyond the existing situation, which is the requirement set out in national policy.

##### Foul water drainage

120. Anglian Water has commented that the existing Foxton Water Recycling Centre, which would treat wastewater from the proposed development, does currently have capacity to treat the flows from the development. They have no objection to the application in this regard therefore. It should be noted that issues of blockages within the system causing overflow/flooding are issues of maintenance as opposed to capacity and it is the latter that is material in assessing the impact of this, or any other, proposed development.

#### **Section 106 contributions**

121. The S106 officer has confirmed that there have been more than 5 generic

contributions towards (i) offsite sports space and (ii) offsite indoor community space in Foxton since 6 April 2010 and as such all future requests must be based on specific projects.

122. Please see attached appendix 2 which confirms the requested contributions and rational. In summary we will be seeking contributions/obligations towards: Health care, recreation extension, Dovecote benches, onsite open space, monitoring, household waste, expansion of the footpath and the ecology corridor.

### **Other matters**

#### Mineral Safeguarding Area

123. The proposed development lies in the Mineral Safeguarding Area for Sand and Gravel designated by Policy CS26 of the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).
124. Policy CS26 and the associated designation seek to ensure that the needless sterilisation of mineral resource will not occur. The policy states that development will only be permitted when the applicant has demonstrated that the mineral is no longer of any economic value; or can be extracted prior to development; or it will not inhibit extraction; or the development is not incompatible. However, in this instance the proposed development is located immediately adjacent to existing development which would act as a constraint to mineral extraction. In this circumstance it is unlikely that the mineral could be worked as an economic resource, and as such there are no objections to proposed development on this site in this context.
125. Policy CS28 Waste Minimisation, Re-use, and Resource Recovery of the adopted Core Strategy requires any development over the value of £300,000 to provide a waste management audit and strategy, and to submit a completed RECAP Waste Management Design Guide Toolkit. Both of these can be secured by planning conditions on the planning permission.

#### Archaeology

126. The site is considered to be of potentially high archaeological significance. As such, a standard condition requiring a scheme of investigation to be agreed and any necessary measures carried out prior to the commencement of development, to ensure that any risk to archaeology is mitigated.

#### Environmental Health

127. The Public Health Specialist has commented that the Health Impact Assessment (HIA) submitted with the application is considered acceptable given the scale of the proposed development.
128. There is no objection to the proposal in respect of air quality. However, to ensure that sensitive receptors in the vicinity of the development are not affected by the negative impact of construction work such as dust and noise, as well as ensuring that the applicant complies with the Council's low emission strategy for a development of this scale, conditions should be included that require the submission of a Construction Environmental Management Plan/Dust Management Plan, and an electronic vehicle charging infrastructure strategy.
129. The site is considered to be a low risk in relation to land contamination and as such it

is considered that a scheme of investigation into any potential harm and suitable remediation can be secured by condition at this outline stage, to ensure that the detailed layout does not result in any adverse impact in this regard, acknowledging the sensitive end use proposed for the site.

130. Noise, vibration and dust minimisation plans will be required to ensure that the construction phase of the scheme would not have an adverse impact on the amenity of neighbouring residents. These details shall be secured by condition, along with a restriction on the hours during which power operated machinery should be used during the construction phase of the development and details of the phasing of the development.
131. The applicant will be required to complete a Waste Design Toolkit at the reserved matters stage in order to show how it is intended to address the waste management infrastructure, and technical requirements within the RECAP Waste Design Management Design Guide. In addition conditions should secure the submission of a Site Waste Management Plan. Provision of domestic waste receptacles by the developer will be secured via the Section 106 agreement. The developer should ensure that the highway design allows for the use of waste collection vehicles and this is a detailed matter relating to the layout of the scheme at the reserved matters stage.
132. The applicant has indicated that a minimum of 10% of the energy needs generated by the development can be secured through renewable sources. A condition will be required to ensure that the noise impact of any plant or equipment for any renewable energy provision such as air source heat pumps is fully assessed and any impact mitigated. A condition was also requested for electric hook up points from the Air Quality Officer, given the size and nature of the site any owners would install hook ups to their own property rather than having a communal parking area. As such it is not considered reasonable to require this via condition.

#### Ownership

133. Ownership is not a material planning consideration and as such comments relating to this aspect can not be given any weight in the determination of this planning application.

#### **Conclusion**

134. In considering this application, the following relevant (to varying degrees, as assessed in the report) adopted Core Strategy and Development Plan policies are to be regarded as out of date while there is no five year housing land supply:
135. Core Strategy  
ST/2: Housing Provision  
ST/6: Group Villages
136. Development Plan  
DP/1: Sustainable Development  
DP/7: Village Frameworks  
HG/1: Housing Density  
HG/2: Housing Mix  
NE/6: Biodiversity  
NE/17: Protecting High Quality Agricultural Land  
CH/2: Archaeological Sites  
CH/4: Development Within the Setting of a Listed Building

## CH/5: Conservation Areas

137. 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.
138. Policies ST/6 and DP/7 of the LDF are considered to carry some weight in the determination of this application. Despite being considered out of date, the purpose of these policies is to restrict the number of residential units permitted in Group Villages as third behind Rural Centres and Minor Rural Centres in the hierarchy of settlements. This remains a valid purpose in assessing the overall impact of the proposal.
139. Within the context of a lack of five year housing land supply and the consequent status of ST/6 and DP/7 as out of date, it is considered that the fact that this site is not within the existing village framework is not sufficient to warrant refusal, unless harm is identified in relation to the definition of sustainable development as set out in the NPPF. The evidence presented in this report is considered to respond to the second objection in that there are facilities and services (including but not limited to primary education and play spaces) that residents in Foxton can access within the village, or through transport links to larger settlements, more readily than residents in most other Group Villages in the district. Significant weight also needs to be attached to the appeal decision in Foxton (May 2016) where the inspector considered that site to be reasonably well connect to rural and urban facilities.
140. Policies HG/1, HG/2 and HG/3 are all housing policies which are considered to carry some weight in the decision making process as these relate to the density of development, housing mix and affordable housing, all of which contribute to sustainable development. In relation to the other relevant policies of the LDF quoted in this report are considered to be consistent with the definition of sustainable development as set out in the NPPF and therefore have been given some weight in the assessment of this application.
141. The site is located relatively close to existing amenities, including the local store, public house, allotments, employment opportunities and pre-school, primary school provision of which are considered to have capacity to accommodate the population increase arising from the development. The developer has agreed to a package of enhancements including a contribution towards a new recreation ground and a package of enhancements to the dovecote meadow area. The fact that the train and bus services exist close to the site which would allow commuting to and from Cambridge, Royston and London is both a social and an environmental benefit of the scheme.
142. It is considered that the scheme includes positive elements, which enhance social sustainability. These include the provision of 40% affordable housing within the development and public open space. The package of contributions to be secured through the Section 106 towards the enhancement of offsite play space would be a wider benefit of the proposals, further enhancing the social sustainability of the scheme.
143. Officers acknowledge that from this assessment, the development of the site would result in some impact to the character of the street scene and there would also be a small loss of grade 2 agricultural land. However, as assessed in the main body of the report, the lack of a five year housing land supply ensures that the level of harm has to be significant enough to outweigh the benefits of the scheme as opposed to be significant in it own right – the latter being the test that was correctly applied in

compiling the SHLAA report.

144. In light of the lack of a five year land supply for housing in the District, proposals for development must be assessed against the definition of sustainable development as set out in the NPPF and the presumption that development should be approved unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework when taken as a whole (paragraph 14 of the NPPF.)
145. It is considered that the illustrative masterplan sufficiently demonstrates that 22 units could be located on the site in a manner that would respect the built form of the surrounding development, the setting of the adjacent listed buildings and would retain the containment provided by the hedges on the boundaries of the site. It is considered that the issues raised in relation to environmental health, trees and ecology can be dealt with by condition.
146. It is considered that the scheme includes positive elements which enhance social sustainability. These include:
- the positive contribution of 22 dwellings towards the housing land supply in the district based on the objectively assessed need for 19,500 dwellings and the method of calculation and buffer identified by the Waterbeach Inspector
  - the contribution of 40% affordable housing in the context of a significant level of district wide housing need
  - onsite public open space
  - widening of the public footpath
  - retention of a wildlife corridor
  - the package of contributions to be secured through the Section 106 agreement towards the enhancement of offsite community facilities and pedestrian links
  - potential for access to public transport, services and facilities
  - employment during construction to benefit the local economy.
  - potential to result in an increase in the use of local services and facilities
147. Overall, it is considered that the social benefits arising from the significant contribution the proposal would make to the deficit in the Council's five year housing land supply and the significant need for affordable housing outweigh the potential landscape and environmental disbenefits. None of these disbenefits are considered to result in significant and demonstrable harm and therefore, it is considered that the proposal achieves the definition of sustainable development as set out in the NPPF.

### **Recommendation**

149. Officers recommend that the Committee grants planning permission, subject to

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

- (a) Details as set out in appendix 2

### **Draft conditions**

- (a) Outline planning permission
- (b) Time limit for submission of reserved matters
- (c) Time limit to implement (within 2 years of approval of reserved matters)
- (d) Approved plans

- (e) Landscaping implementation details
- (f) Contaminated land assessment
- (g) Dust, noise, vibration mitigation strategy
- (h) Details of renewable energy generation (including water efficiency/conservation measures) and within the development and associated noise assessment and mitigation measures – 10% renewables and compliance.
- (i) Foul water drainage scheme
- (j) Surface water drainage scheme
- (k) Sustainable drainage strategy
- (l) Tree Protection measures
- (m) Compliance with flood risk assessment
- (n) Traffic Management Plan
- (o) Time restriction on the removal of trees
- (p) Detailed plans of the construction of the accesses
- (q) Pedestrian visibility splays
- (r) Ecological enhancements including bird, bat boxes and badgers
- (s) Scheme of archaeological investigation
- (t) Site waste management plan
- (u) Restriction on the hours of power operated machinery during construction
- (v) Approved ecological surveys
- (w) Compliance with ecological survey submitted
- (x) External lighting to be agreed
- (y) Cycle storage
- (z) Details of the mix of housing (including both market and affordable housing) shall be submitted with any reserved
- (aa) Screened storage for refuse
- (bb) Boundary treatments
- (cc) Waste water management plan
- (dd) Construction environment management plan
- (ee) Details of piled foundations
- (ff) Fire hydrant locations
- (gg) Scheme for widening of the footpath in front of the site along station road
- (hh) Footpath implementation

### **Informatives**

- (a) Environmental health informatives
- (b) Exclusion of indicative plans from approval
- (c) S106 agreement

### **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 Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File Reference: S//15/OL

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