

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

11 January 2017

AUTHOR/S: Head of Development Management

Application Number: S/1433/16/OL

Parish(es): Great Abington

Proposal: Outline Application for Residential Development of up to 8 Dwelling including Access

Site address: Land Adjacent Strawberry Farm, Pampisford Road, Great Abington

Applicant(s): Roll Over Developments Ltd.

Recommendation: Delegated Approval

Key material considerations: Housing Land Supply
Principle of Development
Density
Housing Mix
Affordable Housing
Developer Contributions
Character and Appearance of the Area
Design Considerations
Trees and Landscaping
Biodiversity
Highway Safety and Sustainable Travel
Flood Risk
Neighbour Amenity
Heritage Assets

Committee Site Visit: 10 January 2017

Departure Application: Yes

Presenting Officer: Karen Pell-Coggins, Principal Planning Officer

Application brought to Committee because: The officer recommendation conflicts with the recommendation of Great Abington Parish Council and the development would represent a departure to the Local Development Framework

Date by which decision due: 13 January 2017 (Extension of Time Agreed)

Executive Summary

1. This proposal, as amended, seeks permission for a residential development outside the Great Abington village framework and in the countryside. This development would not normally be considered acceptable in principle as a result of its 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 However, the Local Planning Authority must still determine the weight to be applied to the policies even when out of date.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 The NPPF states that there is a presumption in favour of sustainable development and where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when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 within close proximity to village frameworks. This will help ensure that development proposals outside and in close proximity to village frameworks have due regard to the availability of an appropriate level of services, facilities, employment and sustainable transport options. For Rural Centres and Minor Rural Centres, subject to all other relevant material considerations, it is considered that there is a case to be made that conflict with those policies should not be given significant weight, under the circumstances of a lack of five-year housing supply. Subject to other material considerations, this would mean in principle that the Council may grant permission for development in and adjacent to our larger villages. This is in the context of paragraph 14 of the NPPF and the test that permission should be granted unless there would be evidence of significant harm. This is consistent with local appeal decisions in this category of village since the lack of five-year supply.
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. In this case, the existing buildings on the site and the level of services, facilities, employment and sustainable transport options in the village are considered to represent such a circumstance and therefore limited weight can be attached to the policies in relation to the supply of housing.
5. The development would have some visual impact. However, it is considered that this impact is limited and can be successfully mitigated as part of the application.
6. This limited adverse impact must be weighed against the benefits of the positive contribution of up to 8 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, the provision of 40% affordable homes, employment during construction to benefit the local economy and greater use of local services and facilities to contribute to the local economy. Given the above balance, the application is recommended for approval.

Planning History

7. **Site**
None relevant
8. **Land to the North of Pampisford Road, Great Abington**
S/3181/15/FL Erection of 20 Dwellings, Associated Access and Landscaping – Approved

National Guidance

9. National Planning Policy Framework 2012
Planning Practice Guidance

Development Plan Policies

10. **South Cambridgeshire Local Development Framework Core Strategy DPD 2007**
ST/2 Housing Provision
ST/6 Group Villages
9. **South Cambridgeshire Local Development Framework 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/7 Sites of Biodiversity or Geological Importance
NE/11 Flood Risk
NE/12 Water Conservation
NE/14 Lighting Proposals
NE/15 Noise Pollution
NE/17 Protecting High Quality Agricultural Land
CH/2 Archaeological Sites
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
10. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
Open Space in New Developments SPD - Adopted January 2009
Biodiversity SPD - Adopted July 2009
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Affordable Housing SPD - Adopted March 2010
District Design Guide SPD - Adopted March 2010

11. **South Cambridgeshire Local Plan Submission - March 2014**
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/10 Group Villages
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/5 Sites of Biodiversity or Geological Importance
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/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

12. **Great Abington Parish Council** – Recommends refusal as amended and makes the following comments: -
“We believe that this would be too many dwellings on the site. The site is part of the Land Settlement and outside of the village framework. We would have been supportive of a single dwelling proposal in line with the emerging neighbourhood plan for the former land settlement area.”
13. **Landscape Design Officer** – Comments as amended that there are no objections providing a native hedge is agreed along the northern boundary (Pampisford Road) with the plot boundaries to the south of the hedge.
14. **Trees and Landscapes Officer** – Has no objections, subject to conditions in relation to a tree protection plan and a detailed planting scheme. Comments that the site is host to a largely unremarkable population of trees and scrub. The TPO referred to in the arboricultural report is TPO 1/61 (Elm). It is apparent that this tree is no longer present and so the TPO can be ignored. The report makes sensible and clear recommendations for trees to be retained and protected.
15. **Ecology Officer** –Comments that the surveys provide with the application are sufficient and no objections are raised in principle.
16. However, questions the status of the badger sett and whether the methodology would avoid an offence as badger tunnels can extend up to 20 metres from sett entrances and it is standard practice to implement an exclusion zone for excavations/

heavy earthworks to or obtain a license for a temporary sett closure or 'live dig' . Therefore recommends a revised method statement detailing badger mitigation at reserved matters stage.

17. The proposed reptile receptor site is outside the site boundary. The ownership needs to be clarified. The strategy to protect the common lizard is welcomed but a condition for an updated mitigation strategy is recommended to cover details of habitat creation and long term management of the area to ensure that it is enhanced and remains suitable for the species.
18. Bat droppings were found on the site but no bat roosts were confirmed during detailed surveys. There was relatively limited bat activity at the site. There was no evidence that the Nissan hut is being used as a resting place. No further action is required but a condition should be attached to any consent in relation to enhanced roosting provision and sensitive lighting design.
19. The protection of the adjacent County Wildlife Site will also need to be secured by condition.
20. **Local Highways Authority** – Has no objections and comments that drawing numbers P-01 Revision H and 4160124-SK1405 Revision 04 are acceptable.
21. **Cambridgeshire County Council Historic Environment Team** – Has no objections subject to a programme of archaeological investigation secured through a condition of any consent .Comments that the site lies in an area of high archaeological potential situated to the south east of Great Park and Abington Hall Park and Garden and the 12th century Saint Mary the Virgin's Church. Archaeological investigations to the north west have revealed evidence of Mesolithic to Iron Age occupation and medieval and post medieval occupation. In addition, to the north there is a moated site and the shrunken village of Great Abington.
22. **Environment Agency** – Has no objections in principle subject to conditions to be attached to any consent in relation to contamination investigation, surface water drainage and piling foundations. Also requests informatives. Comments that the site is located above a Principal Aquifer, Source Protection Zone 2, Babraham Safeguard Zone, Cam and Ely Ouse Chalk Groundwater Body and within 650 metres of a surface water course. The previous nursery land use is considered potentially contaminative. The adjacent railway line is also considered potentially contaminative. The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters.
23. **Environmental Health Officer** – Has no comments.
24. **Contaminated Land Officer** – Comments that that site is a former nursery which is proposed to be developed for housing. An Environmental Phase 1 report has been submitted that has identified potential contaminants of concern and a conceptual model presented that shows investigation is necessary. Requires a condition for the investigation and recording of contamination and remediation.
25. **Affordable Housing Officer** – Comments that if the site is a 5 year housing land supply site, 40% affordable housing should be provided as part of this development in accordance with policy H/9 preferable on site but with a commuted sum as a last resort. Our district wide policy for tenure split is 70/30. There are currently 1,700 applicants on the housing register in across the district and Great Abington has a local housing need for 21 applicants. The highest demand is for 1 and 2 bedroom

accommodation. Three Registered Providers (RP's) need to be approached to determine whether they would take on the site. If not, a valuer would need to be instructed to determine the commuted sum payable in lieu of on-site provision. A cascade approach would be accepted whereby RP's are to be contacted up to the submission of any reserved matters application and in the event of no interest, a commuted sum would be payable.

26. **Section 106 Officer** – Comments that contributions towards waste receptacles and monitoring would be required. Further contributions may be required towards open space, community facilities, education, libraries and strategic waste through a Section 106 as part of any reserved matters application if the combined gross floor space of the development exceeds 1000 square metres. Suggests an informative to be attached to any consent.
27. **Cambridgeshire County Council Rights of Way Team** – Has no objections in principle to the proposal but requires further details in relation to the legal status of the footpath link. Comments that Public Footpath No. 3 Great Abington runs along the western boundary. Requests informatives with regards to points of law and the footpath.

Representations

28. The **Local Member** does not support the application for the following reasons: -
- i) The site is outside the village framework as set out in the existing planning policies for the District;
 - ii) Following a housing needs survey, the Abington Housing Group investigated 12 or more sites in Great and Little Abington as potential sites for housing development. This site at the back of Strawberry Farm was one of the sites investigated but it was not felt to be as appropriate or suitable as the three sites put forward.
 - iii) The site was not, therefore, included in the recent proposals put forward by Great Abington Parish Council and Little Abington Parish Council and incorporated into the documentation recently sent to the planning inspector conducting the Examination in Public into the submitted Local Plan. This site is, therefore, not in emerging policies. In conclusion, this site is neither in existing planning policies or emerging planning policies as a site for residential development. In my view, this application should be refused.
29. Three letters of objection have been received from **local residents** in relation to the application. They raise the following concerns: -
- i) The site is part of the former Land Settlement Association Estate. The Parish Council are developing a neighbourhood plan for this area that would allow residents to build another dwelling on their plots for family members that cannot afford to buy in the village. The LDO would not allow the proposed development.
 - ii) Dwellings would not be affordable to village people.
 - iii) Increase in traffic along the busy and dangerous Pampisford Road.
 - iv) The development would add to the scale of development currently proposed in this part of the village and spread beyond the village envelope.
 - v) The new development planned in the village should be considered and the impact assessed before further development is entertained.
 - v) The applicants imply that there is no longer a Land Settlement Area.
 - vi) Any approval would set a precedent for the remainder of the Land Settlement Area and its agricultural/residential nature should be retained.
 - vii) Visual impact to village as the land rises.
 - viii) Visual impact to neighbours.
 - ix) Loss of privacy from location of footpath.

- x) Potential use of public footpath for construction.
- xi) There are no medical facilities in the village.

Site and Surroundings

- 30. The site is located outside of the Great Abington village framework and in the countryside. It measures 1.2 hectares in area and is part of the former Land Settlement Association Estate to the south of Pampisford Road. The site was previously a nursery and comprises a number of disused greenhouses and other buildings surrounded by scrubland. There are two trees on the northern boundary of the site adjacent Pampisford Road that are subject to a Tree Preservation Order. The remainder of the boundaries are heavily landscaped apart from a post and rail fence that defines the boundary with No. 3 Pampisford Road. The site lies within flood zone 1 (low risk). A former railway cutting forms a County Wildlife Site along the southern boundary. A public footpath runs from Pampisford Road to Chalky Road to the west of the site. The land rises to the south.

Proposal

- 31. The proposal, as amended, seeks outline permission for a residential development on the site of up to 8 dwellings. Access forms part of the application. The layout, design and external appearance, and landscaping are matters reserved for later approval.
- 32. 40% of the dwellings would be affordable in nature. No details of the affordable mix are known to date. The remaining 60% of the dwellings would be available for sale on the open market. No details of the market mix are known to date. However, an indicative mix of 2 x two bed dwellings, 1 x two/three bed dwellings, 2 x three bed dwellings and 3 x four/five bed dwellings are proposed across the whole site. The exact mix of affordable and market dwellings will be determined at the time of the reserved matters application.
- 32. There would be a single vehicular access (shared surface) to the site from the south side of Pampisford Road and a pedestrian access from the existing public footpath to the west. A new footway would be provided along Pampisford Road to link with the existing footway adjacent to the bus stop, to provide connectivity.
- 34. The layout of the development would comprise a "T" shaped spine road with the development clustered around it. The dwellings would be detached and semi-detached. The scale of the development is intended to be predominantly two storeys in height. The existing group of Ash trees to the east of the access would be retained. The existing group of Elm trees to the east of the access would be removed and replacement planting agreed.

Planning Assessment

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

Housing Land Supply

- 36. 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.

37. 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 and a 3.7 year supply based upon the 2016 Annual Monitoring Report (AMR). 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 the 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.
38. 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 as so not to be restricted 'merely to policies in the Development Plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites,' but also to include, 'plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed.' Therefore all policies which have the potential to restrict or affect housing supply may be considered out of date in respect of the NPPF. However the Court of Appeal has confirmed that even where policies are considered 'out of date' for the purposes of NPPF paragraph 49, a decision maker is required to consider what (if any) weight should be attached to such relevant policies.
39. In the case of this application, policies which must be considered as potentially influencing the supply of housing land include ST/2 and ST/6 of the adopted Core Strategy and adopted policies DP/1, DP/7, HG/1, HG/2, NE/4, NE/6 and NE/17 of the adopted Development Control Policies. Policies S/7, S/10, H/1, H/7, H/8, NH/2, NH/3 and NH/4 of the draft Local Plan are also material considerations and considered to be relevant (draft) policies for the supply of housing.
40. 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).
41. Whilst paragraph 2 of Policy ST/6 of the adopted Core Strategy permits residential development within the village framework and the site is located outside the framework, given that the site adjoins the village framework, the site is relatable to the village geographically and on its dependency on its services and facilities. ST/6 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/6 which reflects the relatively limited level of services at group villages to serve residential developments is material to development both within the framework and development which is proposed as a residential extension to that framework, as proposed here.

42. 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.
43. 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.
44. 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.
45. 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.

Principle of Development

46. The site is located outside the of the Great Abington village framework and in the countryside where Policy DP/7 of the adopted LDF and Policy S/7 of the emerging 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 due to the need to protect the countryside from encroachment and incremental growth in unsustainable locations. The erection of a residential development of 8 dwellings would therefore not under normal circumstances be considered unacceptable in principle. Considerable weight can be attached to this policy given that it performs a material planning objective.
47. Great Abington is identified as a Group Village under Policy ST/6 of the LDF and Policy S/10 of the emerging Local Plan where up to 8 dwellings are considered acceptable in principle on land within village frameworks due to the scale of the village and the limited level of services and facilities within the settlement. The erection of 8 dwellings outside the village framework is not therefore normally supported in principle due to the location. However, the scale is considered appropriate for this type of village. Considerable weight can be attached to this policy given that it performs a material planning objective.
48. It is noted that the site is situated on the former Land Settlement Association Estate and in the countryside. This area previously had a special policy basis in the Local Plan but at the current time the area does not have any special policy basis in either the adopted Local Development Framework or emerging Local Plan. However, it was designated as a Neighbourhood Area in September 2016 where a Neighbourhood Plan will be prepared. The requirement is for a special policy area that would clearly identify it as not being in the open countryside whilst not including it within the village

framework. Whilst it is acknowledged that this is a material consideration in the decision making process, it can only be given very limited weight at the current time as it is at a very early stage of the process and has not yet been prepared and examined.

49. Given the current lack of a 5-year housing land supply and the fact that policies DP/7 and ST/6 are out of date, a judgement needs to be made as to whether the scale of the development is acceptable for this location in terms of the size of the village and the sustainability of the location. As set out in the *Housing Land Supply* section above, it is considered that significant weight can be given to the rural settlement and framework policies. Nevertheless, in light of a five year land supply and recent appeal decisions, as a matter of general principle the scale of development proposed relative to the comparative accessibility of this group village would not conflict significantly with the thrust of the core development principle of the NPPF and will not in itself create demonstrable harm.

Sustainable Development

50. The NPPF states that there are 3 dimensions to sustainable development, economic, social and environmental.

Economic Aspects

51. The provision of up to 8 new dwellings will give rise to employment during the construction phase of the development and would have 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 Aspects

Provision of Housing

52. The development would provide a benefit in helping to meet the current housing shortfall in South Cambridgeshire through the delivery of up to 8 dwellings. The applicant owns the site and it is available and deliverable for development now subject to securing the necessary planning consent. Given the scale of the development, it is likely that the scheme would be completed within 5 years of the outline consent.

Scale of Development and Services

53. Whilst it is acknowledged that Great Abington falls within the one of the lower tiers in the hierarchy for the categorisation of villages across the District, the development of 8 dwellings is not considered to be unacceptable in relation to the size of the village or the level of services and facilities in the village. The village has approximately 350 dwellings and an additional 8 dwellings is not considered excessive in terms of an increase in the scale of the village. The cumulative impact of the development of 20 dwellings approved under reference S/3181/15/FL to the north of Pampisford Road, together with the additional allocations for 35 dwellings at Linton Road and a further 6 dwellings at Church Lane (Little Abington) under Policy H/1 of the emerging Local Plan together with the proposed development would result in a total of 69 dwellings. This would represent an increase of 20% in the scale of the village and is, on balance, considered acceptable given the level of services and facilities available.
54. The dwellings on the site would have easy access by walking and cycling to facilities within the village such as the primary school, shop, church, public house, café, village

hall and recreation ground. These are a distance of approximately 850 metres away. There is a bus stop immediately adjacent to the site with a service that runs every 30 minutes to Cambridge and Haverhill (service 13); it also serves Linton. The proposed dwellings would also have easy access by walking and cycling to the nearby employment site of Granta Park just outside the village but very close to the application site. Great Abington does not contain a secondary school, health centre nor a larger food store; however these services are found in Linton, which is readily accessible by public transport. Residents would not therefore have to rely upon the private car to access the majority of their everyday needs. Given the above, the application site is not considered to be unsustainable to the extent that would warrant refusal of the application on these grounds.

Housing Density

55. The site measures 1.2 hectares in area. The erection of 8 dwellings would equate to a density of 7 dwellings per hectare. 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 more rural character and appearance of the area to the south of Pampisford Road.

Affordable Housing

56. 40% of the development would consist of affordable housing to meet local needs as set out in Policy HG/3 of the adopted LDF. At the current time, there is interest from a Registered Provider (Housing Partnership (London) Ltd.) to take on 3 affordable units on the site. An indicative mix of 2 x two bed dwellings, 1 x two/three bed dwellings, 2 x three bed dwellings and 3 x four/five bed dwellings is proposed across the whole site. Given that the application is currently at outline stage only, it is considered that the exact mix and tenure of the affordable dwellings could be agreed at the reserved matters stage. The mix sought would need to be in accordance with local needs. If at the reserved matters stage there is no longer any interest from a Registered Provider, a cascade approach is accepted where a commuted sum would be provided towards affordable housing off-site but within the district in lieu of the on-site provision of affordable housing. This would need to be secured through a Section 106 agreement.

Market Housing Mix

57. The remaining 5 market units would need to provide a range of dwelling types and sizes to comply with Policy HG/2 of the adopted LDF or Policy H/8 of the emerging Local Plan as some weight can be attached to this policy. Given that the application is currently at outline stage only, it is considered that the exact mix of the market dwellings could be agreed at the reserved matters stage, albeit a condition will be needed to secure this.

Developer Contributions

58. 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.
59. 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.

60. The Written Ministerial Statement and NPPG dated November 2014 seeks to limit Section 106 contributions secured from small scale developments of less than 10 dwellings or those where the gross floor space would not exceed 1000 square metres. The proposed development is for 8no. dwellings that would fall below the threshold. Therefore, no contributions in relation to open space, community facilities, education, libraries and waste could be secured from the development. However, given that the application is currently at outline stage only, no details of the size of the dwellings are known, contributions may be required at reserved matters stage if the floor space exceeds the limit.
61. Notwithstanding the above, contributions can be secured towards waste receptacles and monitoring. The RECAP Waste Management Design Guide requires household waste receptacles to be provided for the development. Off-site contributions are required towards the provision to comply with Policy DP/4 of the adopted LDF. The contribution would be £73.50 per dwelling. To ensure the provision and usage of on-site infrastructure, a monitoring fee of £500 is required.

Environmental Aspects

Character and Appearance of the Area

62. The site is situated within the East Anglian Chalk Landscape Character Area and the landscape character of the site and its immediate surroundings are typical of East Anglian Chalk comprising large agricultural fields separated by clipped hedges, set in an open and gently rolling landscape, with long views available both over lower land and to hills featuring wooded tops.
63. The proposal would result in encroachment into the countryside outside the existing built-up development within the village framework. The introduction of 8 dwellings of significant scale on a site that was formerly a nursery and rural in nature would result in a visually intrusive development that would detract from the openness and character and appearance of the countryside. However, the impact is considered limited in terms of openness given the existing buildings on the site, and the proposed development would not adversely affect the landscape setting of the village as the encroachment is restricted and the development would only be visible from close public viewpoints and would not affect the wider landscape and countryside from long distance views.

Design Considerations

64. The overall layout of the site is indicative only at this stage and would be subject to reserved matters approval. However, the site is of a size that can clearly accommodate at least 8 dwellings without resulting in a cramped form of development that would be out of keeping with the character and appearance of the area.
65. The site has been designed with large plots around a shared surface access with landscaping along the Pampisford Road frontage. This is considered to reflect the spacious and rural character and appearance of the dwellings that comprise part of the former Land Settlement Association Estate to the south of Pampisford Road.
66. Although it is noted that the northern side of Pampisford Road opposite the site consists of single storey bungalows, the two-storey scale of the dwellings are considered to be satisfactory given the scale of the adjacent dwelling at No. 3

Pampisford Road. However, it is noted that the heights of the dwellings would need to be carefully considered in more detail at the reserved matters stage as a result of the land levels across the site. Such matters would therefore remain within the control of the Local Planning Authority.

Trees/ Landscaping

67. The proposal would not result in the loss of any important trees and hedges that significantly contribute towards the visual amenity of the area. Although a group of Elm trees along the frontage would be lost, they are not in a particularly good condition and would be replaced. The Councils' Tree Officer has no objections to the scheme. The group of Ash trees along the frontage and the woodland to the south of the site adjacent the County Wildlife Site would be retained.
68. A substantial amount of landscaping is proposed within the development that includes structural planting in the form of a landscape buffer along the northern, eastern and part of the southern boundaries of the site along with planting within the site. The proposal would therefore comply with Policy NE/6 of the adopted LDF that seeks to maintain, enhance, restore or add to biodiversity.

Ecology

69. A number of detailed surveys have been carried out on the site in relation to protected species (badgers, bats and reptiles) in addition to the standard Phase 1 Ecological Survey. The proposal is not considered to result in the loss of any important habitats for protected species providing conditions are attached to any consent to ensure their protection.
70. There are no badger setts on the site but there is an active sett immediately to the south of the site. The surveys have recorded use by badgers on a number of different days; there is also evidence of badgers using the site. Given the regular use of the sett during the survey period, it is questioned whether it is an outlier sett as identified in the survey that would only be occasionally used. No objections are raised subject to a revised method statement for the protection of badgers.
71. The Nissan hut on the site and pollarded Poplar trees were identified as potential bat roost sites. No bats emerged from either of these buildings during the surveys. However, there was a low level of foraging activity on the site. No objections are raised subject to enhancement in the form of bat boxes and restricted lighting for protection.
72. The presence of reptiles in the form of common lizards was recorded on the site along the southern side of the large glasshouse on several occasions during the survey. The species therefore requires the provision of a new habitat site to mitigate the impact of the development. This has been proposed outside the site area but on land under the ownership of the applicant. There are no objections providing this area is within the site.
73. The development is not considered to adversely affect the neutral grassland species which are the interest features of the Shelford - Haverhill Disused Railway (Great Abington) County Wildlife Site. However, a condition would be attached to any consent to ensure its protection.

Highway Safety and Sustainable Travel

74. Pampisford Road connects the A505 and Granta Park to the west to the A1307 at Hildersham to the east. It is a wide road with traffic calming and a speed limit of 30 miles per hour.
75. The proposal would result in an increase in traffic in the area. However, the increase is not considered significant to the extent that it would adversely affect the capacity and functioning of the public highway.
76. The main access from Pampisford Road would be a shared surface and measure 6 metres in width. Vehicular visibility splays measuring 2.4 metres from the edge of the carriageway x 43 metres along the edge of the carriageway in both directions would be provided. This would accord with Local Highway Authority standards.
77. At least two vehicle parking spaces would be provided for each dwelling that would accord with Policy TR/2 of the LDF. At least one cycle parking space could be provided for each dwelling that would be in accordance with the Council's standards.
78. A new 1.8 metre wide footway would be installed from the shared access and run along Pampisford Road to connect to the existing public footway adjacent to the bus stop. This would need to be agreed as part of the Section 106. A footway link to the public footpath is also proposed to ensure the site is permeable.
79. A condition would be attached to any consent to secure a traffic management plan during construction.

Flood Risk

80. The site is located within Flood Zone 1 (low risk). It is in an area where there is not a high risk from fluvial flooding and groundwater flooding. A Flood Risk Assessment has been submitted with the application that demonstrates that surface water can be attenuated on site through SUDS methods such as soakaways, drainage gullies adjacent to the access to swales and permeable paving for the access and driveways. The proposal is not therefore considered to increase the risk of flooding to the site and surrounding area and would comply with Policy NE/11 of the adopted LDF.
81. A condition would be attached to any consent to ensure the design of the surface water drainage system is appropriate and can withstand a 1 in 100 year storm event plus 40% for climate change. The condition will also need to include maintenance of the system in perpetuity.

Contamination

81. The site is within an area that is sensitive in terms of controlled groundwaters. The site and surrounding area are also subject to potential contaminants as a result of the former nursery use of the site and the proximity to the disused railway to the south.
82. A condition would need to be attached to any consent to secure a detailed investigation into contamination to ensure that the proposal would not cause a risk to the health of the occupiers of the development and construction workers or controlled groundwaters in the area.

Neighbour Amenity

83. Whilst it is acknowledged that there would be a change in the use of the land from a horticultural nursery to residential dwellings, the development is not considered to

result in a significant level of noise and disturbance that would adversely affect the amenities of neighbours. A condition would be attached to any consent in relation to the hours of use of power operated machinery during construction and construction related deliveries to minimise the noise impact upon neighbours.

84. The impact of the development itself on neighbours in terms of mass, light and overlooking will be considered at the reserved matters stage and would need to comply with Policy DP/3 of the adopted LDF. It is noted that there is a residential dwelling at No. 3 Pampisford Road that has habitable room windows in the side and rear elevations and a rear garden. In addition, it is acknowledged that the land rises southwards.

Heritage Assets

85. The site is located in an area of high archaeological potential. However, an evaluation has been carried out that has not found any significant features of archaeological interest. A condition would be attached to any consent to secure a programme of excavation together with the recording and preservation of any features. The proposal would therefore comply with Policy CH/2 of the adopted LDF that seeks to protect features of archaeological importance.

Other Matters

86. Foul drainage would be discharged to the public foul sewer via a manhole in the High Street by a gravity connection. A condition would be attached to any consent to agree the specific details.

Conclusion

87. 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/6 Group 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

88. 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.
89. In the case of this application in a Group Village, the previous use of the site and scale of the development relative to the level of services, facilities, employment and sustainable transport options in the village is considered to represent an exceptional circumstance and therefore limited weight can be attached to the policies in relation to

the supply of housing.

90. This report therefore sets out adverse impacts of the development in terms of some limited visual impact to the rural character and appearance of the area and a loss of openness.

91. These adverse impacts must be weighed against the following benefits of the development: -
- i) The contribution of 8 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) Suitable and sustainable location for this scale of residential development given the position of the site in relation to access to public transport, services and facilities and local employment.
 - iii) Employment during construction to benefit the local economy.
 - iv) Greater use of local services and facilities to contribute to the local economy.

92. Whilst it is acknowledged that the policies for the determination of housing in the adopted LDF are out-of-date, the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits offered by this application. The proposals would therefore constitute sustainable development.

Recommendation

93. It is recommended that the Planning Committee grants officers delegated powers to approve the application subject to a Section 106 agreement and the following conditions: -

Conditions

- a) Approval of the details of the layout of the site, the scale and appearance of buildings and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. (Reason - The application is in outline only.)
- b) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission. (Reason - The application is in outline only.)
- c) The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved. (Reason - The application is in outline only.)
- d) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:2500 location plan and drawing number 4160124-SK1405 Revision P4. (Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- e) The layout on the indicative masterplan is specifically excluded from this consent. (Reason - The application is in outline only.)
- f) The access shall be constructed and the visibility splays shall be provided in accordance with drawing number 4160124-SK1405 Revision P4 and thereafter maintained. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the

adopted Local Development Framework 2007.)

g) No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall be carried out in accordance with the approved details. The principle areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
- ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
- iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
- iv. Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

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

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

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

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

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

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

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

i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained

tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant British Standard.

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

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

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

l) No development shall commence until an updated and detailed ecological mitigation strategy based on the detailed design of the site has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to:

i) Detailed methodology for badgers consistent with specific details of the proposals including a fully justified decision regarding mitigation licensing, a specification and layout plan for protective fencing and detailed methodology for habitat clearance and groundworks which may impact on the badger sett;

ii) A Construction Management Plan detailing how the adjacent Shelford-Haverhill Disused Railway County Wildlife Site will be protected, including appropriate vegetative buffers;

iii) Further details of the method statement for common lizard including habitat creation within and long-term management of the receptor area and any on-site compensatory habitat creation.

All works must then proceed in strict accordance with the agreed mitigation strategy and recommendations detailed in Section 5.2 of the *Extended Phase 1 Ecology* report (agb Environmental, February 2016).

(Reason - To minimise disturbance, harm or potential impact on protected species in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007 and the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992.)

m) A specification for external illumination at the site shall be submitted to and approved in writing by the Local Planning Authority before installation. This shall include consideration of sensitive design to protect bat foraging habitat. No means of external illumination shall be installed other than in accordance with the approved details and shall not be varied without permission in writing from the Local Planning Authority.

(Reason - To protect wildlife habitat in accordance with the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 (as amended), the NPPF and Policy NE/6 of the adopted Local Development Framework 2007.)

n) No development shall commence until a scheme for ecological enhancement including native planting, connectivity for hedgehog and in-built features for nesting birds and roosting bats has been provided to and agreed by the Local Planning Authority. This shall include measures recommended Section 5.3 of the *Extended*

Phase 1 Ecology report (agb Environmental, February 2016) and in Section 5 of the *Bat Survey Report* (agb Environmental, June 2016). The measures shall be implemented in accordance with the agreed scheme.

(Reason - To provide habitat for wildlife and enhance the site for biodiversity in accordance with the NPPF, the NERC Act 2006 and Policy NE/6 of the adopted Local Development Framework 2007.)

o) No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

p) Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority. The scheme shall thereafter be maintained.

(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

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

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

r) No development approved by this permission shall be commenced, unless otherwise agreed, until the application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority. This shall include:-

i) A preliminary risk assessment including a conceptual site model indicating potential sources, pathways, and receptors including those off-site.

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

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

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

(Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

s) Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority which may given for parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. (Reason – To protect and prevent the pollution of controlled water from potential pollutants associated with current and previous land uses in line with the National Planning Policy Framework (paragraphs 109, 120 and 121) and Environment Agency Groundwater Protection: Principles and Practice (GP3)).

t) No site or plant machinery shall be operated, no noisy works shall be carried out and no construction related deliveries shall be taken or dispatched from the site except between 0800 hours and 1800 hours Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Bank Holidays.

(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

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

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

v) No development shall commence until a lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting, security lighting, has been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation, full isolux contour maps and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles, angle of glare) and shall assess artificial light impact in accordance with the Institute of Lighting Engineers (2005) 'Guidance Notes for the Reduction of obtrusive Light'. The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details.

(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)

Section 106 agreement

- a) Affordable Housing
- b) Waste Receptacles
- c) Footpath along Pampisford Road

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 References: S/1433/16/OL

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