

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

1 March 2017

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

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<b>Application Number:</b>	S/3077/16/OL
<b>Parish(es):</b>	Guilden Morden
<b>Proposal:</b>	Outline application for up to 16 dwellings (8 affordable and 8 open market dwellings) and formation of new access, with all other matters (landscaping, layout, scale and appearance) reserved.
<b>Site address:</b>	Site south of Thompson's Meadow, Trap Road, Guilden Morden, Cambridgeshire SG8 0JE
<b>Applicant(s):</b>	Mr John Boston, Guilden Morden Executive Homes
<b>Recommendation:</b>	Delegated approval (to complete Section 106 Agreement).
<b>Key material considerations:</b>	The main issues are whether the proposed development would provide a suitable site for housing, having regard to housing land supply, the principles of sustainable development, scale of development and impact on townscape and landscape character, drainage issues, services and facilities, access and transport and ecology.
<b>Committee Site Visit:</b>	No
<b>Departure Application:</b>	Yes
<b>Presenting Officer:</b>	David Thompson (Principal Planning Officer)
<b>Application brought to Committee because:</b>	The application proposal raises considerations of wider than local interest and approval would represent a departure from the Local Plan
<b>Date by which decision due:</b>	31 March 2017 (Extension of time agreed)

### **Executive Summary**

1. The proposed development would be located on land adjacent to but outside of the Guilden Morden village framework. Due to the District Council's inability to demonstrate a five year supply of housing land, the policies that restrict the supply of housing are considered to be out of date. There are considered to be decisive material differences between this proposal and the policy context in which the application is being assessed and the previous application for 30 dwellings on the site, which was refused in September 2016. Firstly, this scheme is considerably smaller in

size at 16 units and would therefore give rise to smaller population increase in Guilden Morden. The environmental impact of the proposal in terms of trip generation and the social impact in relation to the capacity of services and facilities would therefore be reduced. In addition, the Over and Melbourn appeal decisions have provided additional guidance on weighing the benefits against the harm resulting from a proposal within the context of a lack of a five year housing land supply, a deficit which has further deteriorated (from 3.9 to 3.7 years) since the time of the refusal of the scheme for 30 dwellings on this site. These differences are explored in detail in the main body of the report.

2. A significant benefit of the scheme is the provision of 50% on site affordable housing. Given that this would exceed the policy compliant provision by 10% and that there is a demonstrable need within the Parish of Guilden Morden, as well as a substantial need District wide, this is a benefit which officers consider should be afforded significant weight in the determination of the application. Another social benefit would be the provision of a significant level of public open space on the site. This would exceed the amount required by adopted policy, in a village which currently has a deficit in both informal open space and play space.
3. Guilden Morden is a group village with limited facilities and occupants of the development would be required to travel out of the village to access facilities to meet day to day needs and employment opportunities. These factors do weigh against the social and environmental sustainability of the scheme. However, the extent of this harm is considered to be reduced by the fact that there is a bus service which would allow commuting to Royston within a reasonable time and that this service runs within close proximity of the application site. Whilst buses are infrequent throughout the day, occupants of the development would still have an alternative to the use of the private car to access the doctor's surgery and other facilities in Bassingbourn and a broader range of facilities in Royston.
4. Guilden Morden Parish Council support the application, although this is qualified in relation to the impact on highway safety, the level of parking provision within the development, the suitability of the footpath network adjacent to the site and the capacity of the foul sewage drainage network. There are no objections from the statutory consultees in relation to highway safety, flood risk or drainage. There is sufficient space to provide on plot parking for each dwelling within the site at the density proposed. The details of this would be formalised at the reserved matters stage.
5. There are no objections from any of the other statutory consultees. There are no concerns in relation to the principle of development from a landscape or design point of view and it is considered that the development could occur without a detrimental impact on the tree belt around the perimeter of the site, subject to the imposition of conditions. Officers are therefore of the view that the harm resulting from the proposal does not significantly and demonstrably outweigh the benefits and as a result, in line with the guidance in paragraph 14 of the NPPF, the recommendation is to grant planning permission.

### **Planning History**

6. S/0191/16/OL - Outline Planning Application for up to 30 dwellings and formation of new access (all other matters including landscape, layout, scale and appearance are reserved) – refused. Planning permission was refused on 07 September 2016 for the following reason:

'Guilden Morden is identified as a Group Village in the Adopted Core Strategy DPD 2007, where Policy ST/6 states that development is normally restricted to groups of a maximum scheme size of 8 dwellings within the village framework. The proposed site is outside the village framework of Guilden Morden where DP/7 of the adopted Development Control Policies DPD development restricts development to uses which need to be located in the countryside. The Council recognises that the aforementioned policies are currently considered out of date, and that the application therefore needs to be determined in accordance with paragraph 14 of the National Planning Policy Framework, with the presumption in favour of sustainable development, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, the Council is of the view that considerable weight can be given to Policy ST/6 as it continues to fulfil a planning objective in and is consistent with the NPPF presumption in favour of sustainable development, by limiting the scale of development in less sustainable rural settlements with a limited range of services to meet the needs of new residents in a sustainable manner. Some weight can also be given to Policy DP/7 as it continues to fulfil a planning objective of limiting development, and is also consistent with the NPPF presumption in favour of sustainable development. The Council also recognises that Policy DP/1 is out of date in so far as DP/1 1a. relates to the supply of housing, however in all other respects the Council is of the view that Policy DP/1 is consistent with the aims of the NPPF in respect of the presumption in favour of sustainable development, and therefore significant weight can be given to Policy DP/1 as it continues to fulfil a planning objective consistent with the NPPF.'

### **Planning Policies**

7. The following paragraphs are a list of documents and policies that may be relevant in the determination of this application. Consideration of whether any of these are considered out of date in light of the Council not currently being able to demonstrate that it has an up to date five year housing land supply, and the weight that might still be given to those policies, is addressed later in the report.
8. *National Planning Policy Framework  
Planning Practice Guidance*
9. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007*  
ST/2 Housing Provision  
ST/6 Group Villages
10. *South Cambridgeshire LDF Development Control Policies, adopted July 2007*  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
DP/7 Development Frameworks  
HG/1 Housing Density  
HG/2 Housing Mix  
HG/3 Affordable Housing  
CH/5 Conservation Areas  
SF/10 Outdoor Play space, Informal Open Space, and New Developments  
SF/11 Open Space Standards  
NE/1 Energy Efficiency  
NE/3 Renewable Energy Technologies in New Development  
NE/4 Landscape Character Areas

- NE/6 Biodiversity
- NE/9 Water and Drainage Infrastructure
- NE/10 Foul Drainage – Alternative Drainage Systems
- NE/11 Flood Risk
- NE/12 Water Conservation
- NE/14 Light Pollution
- NE/15 Noise Pollution
- NE/17 Protecting High Quality Agricultural Land
- CH/2 Archaeological Sites
- TR/1 Planning for More Sustainable Travel
- TR/2 Car and Cycle Parking Standards
- TR/3 Mitigating Travel Impact
- TR/4 – Non-motorised Transport

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

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

12. *Draft Local Plan*

- S/1 Vision
- S/2 Objectives of the Local Plan
- S/3 Presumption in Favour of Sustainable Development
- S/5 Provision of New jobs and Homes
- S/7 Development Frameworks
- S/10 Group Villages
- S/12 Phasing, Delivering and Monitoring
- CC/1 Mitigation and Adaptation to Climate Change
- CC/3 Renewable and Low Carbon Energy in New Developments
- CC/4 Sustainable Design and Construction
- CC/6 Construction Methods
- CC/7 Water Quality
- CC/8 Sustainable Drainage Systems
- CC/9 Managing Flood Risk
- HQ/1 Design Principles
- NH/2 Protecting and Enhancing Landscape Character
- NH/3 Protecting Agricultural Land
- NH/4 Biodiversity
- NH/6 Green Infrastructure
- NH/14 Heritage Assets
- H/7 Housing Density
- H/8 Housing Mix
- H/9 Affordable Housing
- SC/8 Open space standards
- SC/11 Noise pollution
- T/1 Parking provision

**Consultations**

13. **Guilden Morden Parish Council** – support the application, making the following comments:

- Car Parking is not adequate for the development. Guilden Morden is not well served by public transport and many roads are poorly maintained for bicycle usage, especially the edges. Most active residents own a car, therefore in a one bedroom property housing 2 adults, there are 2 cars being used. In a 4 bedroom property housing 2 adults and 2 young adults there is a potential for 4 cars. This does not take into account any visitors. All properties need parking to accommodate the likely number of cars to include adults and siblings as they reach driving age. Some communal parking to account for overspill, as per Connors Corner, may alleviate the visitor parking problem. No parking to be allowed on corners, curbs and near junctions.
- Footpaths and road widths are not acceptable. The view that pedestrians and cars can share the same space is not acceptable. Footpaths should service the whole site and roads should be wide enough to allow two cars to pass safely.
- Sewage – Anglian Water are said to believe that there is sufficient capacity to cater for this development. Anglian Water do not have to live with the possibility of overflow of effluent which happens from time to time on Potton Road and not necessarily at times of heavy rainfall. This is not only a problem of effluent on the road but causes serious pollution of the main village drainage ditch which leads to the River Cam. This has been occurring since the system was commissioned. It is not satisfactory now, let alone with further substantial development.
- Access from Trap Road may be considered to be adequate, however turning on to Thompson's Meadow and then immediately turning into the proposed development is a recipe for traffic problems. This needs addressing before any development.

14. **District Council Affordable Housing Officer** - Comments that the policy requirement for schemes of this scale is 40% and so 50% is over and above the requirements of the Local Plan . The tenure split for the affordable properties should be 70/30. Therefore 70% of these should be rented and 30% should be provided as intermediate/shared ownership. The highest demand for housing is for 1 and 2 bedroom properties, this is reflective of most of the villages in South Cambridgeshire. The required mix for the 8 units would

6 x 2 bed house  
2 x 3 bed house

The proposed mix is considered to be acceptable, reflecting the need within the District and would make a significant contribution to meeting the identified need for 18 affordable units in Guilden Morden.

15. **District Council Urban Design Officer** – Raises no objection to the principle of development. The low density of the scheme is considered appropriate for the village edge location. The layout of the scheme at the reserved matters stage should be outward facing and be policy compliant in term of mix of sizes. These factors and the location and surveillance of the public open space to be provided are issues to be determined at the reserved matters stage.
16. **District Council Ecology Officer** – Raises no objection to the proposal. The applicant has submitted an ecological assessment in support of the application which raises no concerns in terms of harm to the biodiversity value of the site. The scheme is considered to preserve the existing boundary planting that is subject to a group Tree Preservation Order (TPO) on the northern and eastern boundaries of the site. As

a result, it is considered that these important ecological features could be preserved by the proposed scheme. The mitigation measures within the submitted Ecological Appraisal and biodiversity enhancements can be secured by condition.

17. **District Council Landscape Officer** – Raises no objection to the principle of development and welcomes the retention of the mature trees on the boundaries of the site. Additional measures to enhance biodiversity, along with details of landscape planting and boundary treatments will need to be secured at the reserved matters stage. A loose knit pattern of development should be encouraged at the reserved matters stage to ensure a rural character to this edge of village development.
18. **District Council Tree Officer** - Raises no objection to the proposals. The indicative layout demonstrates that the proposed quantum of development can be achieved on the site and the area of public open space organised in a manner that would preserve the tree belt around the perimeter of the site – including those that are the subject of TPO's.
19. **Local Highways Authority** – Raises no objection to the proposal subject to the imposition of conditions regarding a traffic management plan and levels of the access road.
20. **Cambridgeshire County Council Historic Environment Team** – Raises no objection to the proposal subject to the imposition of a condition regarding a programme of archaeological investigation.
21. **Environment Agency** – Raises no objection to the proposal. Comment that a sustainable scheme for surface water drainage will need to be submitted and that Anglian Water should be satisfied that the main foul sewage drainage network can accommodate the demands of the proposal.
22. **Anglian Water** – Confirm that the Guilden Morden Water Recycling Centre wastewater treatment plant has capacity to deal with the additional flows that would result from the proposed development. In relation to foul water sewage, there is no objection on the basis that further details are submitted by the applicant to demonstrate that off site flood risk can be mitigated. The Lead Local Flood Risk Authority and the Environment Agency should be consulted regarding surface water.
23. **Cambridgeshire County Council Flood and Water Team** – Raises no objection to the proposal, subject to the imposition of conditions requiring the submission of a detailed surface water drainage strategy and details of the management and future maintenance of the system
24. **District Council Environmental Health Officer and Health & Environmental Services** – Raises no objection to the proposal subject to the imposition of conditions. A noise assessment relating to the traffic on the adjacent highways and measures to mitigate the impact of the development on the existing properties on Thompson's Meadow, including the impact of noise associated with the use of piled foundations (should this method be employed) will be required. A strategy to mitigate the impact of dust, noise etc during the construction process, a lighting scheme and details and waste management during construction and once the development is occupied can also be addressed through the imposition of conditions.
25. **District Council Contaminated Land Officer** - no objection subject to the imposition of a standard condition requiring the submission of a contaminated land assessment and compliance with the agreed mitigation measures, prior to the commencement of

development.

26. **District Council Section 106 Officer** - Comments that contributions are required towards off-site open space and community facilities and monitoring to ensure that the development is acceptable in planning terms. The details of the contributions are discussed in the main body of the report and added as appendix 1.
27. **Natural England** – no objections to the proposed development.
28. **Cambridgeshire County Council Growth Team** - confirm that no contributions are required as there is capacity at pre-school, primary school and secondary school level and that no expansion of lifelong learning is considered necessary

### **Representations**

29. 1 letter of support for the development has been received stating that the site would be a good location for the number of units proposed.

7 letters of representation have been received from third parties (including those received via the Council's website) objecting to the proposals, raising the following concerns:

- The proposal will result in a detrimental impact on highway safety.
- The proposals would involve development close to the northern boundary of the site, which would threaten the condition of the protected trees.
- The site is a greenfield site on the edge of the village. There are more suitable sites for development within the village that could provide the affordable housing proposed.
- Access to the site should be taken from Trap Road on the eastern boundary and the 30 mph area extended to result in a better scheme from a highway safety perspective.
- The proposal would not meet the definition of sustainable development due to the size of the proposed development on the edge of a village with limited facilities.
- The supporting documentation associated with the application is inaccurate in assessing the impact that the anticipated population would have on the capacity of services and facilities within the village.
- The proposal would result in landscape harm as an extension beyond the strong village edge which currently exists.
- There are insufficient employment opportunities in the village. Occupants of the development would be reliant on the car to access employment and anything above basic services and facilities – ensuring that the scheme does not meet the definition of sustainable development.
- There is no village store in Guilden Morden and the bus service is limited.
- Surrounding roads are narrow and lack street lighting, ensuring that the local environment is not conducive to cycling.
- The site is a significant distance from the closest secondary school (Bassingbourn Village College).
- The site is of biodiversity value and this would be adversely affected by the proposals.
- The proposal would be contrary to policy ST/6 of the Core Strategy.
- The proposal is on a greenfield site, development should be concentrated on brownfield sites.
- The village does not need more 'executive' homes – development should focus on increasing the level of affordable housing.
- Development should be focussed in the more sustainable locations in the District (Rural Centres and Minor Rural Centres) as expressed in policies ST/b-k of the Core Strategy.

- The proposal would have an adverse impact on the setting of the heritage assets Morden Hall and Morden House, both of which are adjacent to the application site.
- The proposal would have an adverse impact on surface water drainage and foul water drainage capacity.
- The applicant refers to there being a hospital in Bassingbourn and a clinic in Steeple Morden. This is considered to be inaccurate as is the quoted distance to Ashwell and Morden Station.
- The supporting information suggests that the proposal would provide less car parking space due to the sustainable location – this is considered unjustified given the limited public transport provision in the village.
- The SHLAA process undertaken in support of the emerging Local Plan recognised the group villages are not sustainable locations for significant development as the vast majority of proposed allocation sites are located in Rural Centres and Minor Rural Centres.
- The lack of services and employment opportunities and distance to the secondary school were identified as issues which led to the dismissal of an appeal in Over for 26 units – similar circumstances exist in this case.
- Noise and pollution during the construction period would have an adverse impact on the residential amenity of neighbouring properties.

### **Site**

30. The site is within the countryside, adjacent to the Guilden Morden Development Framework. It is comprised of approximately 1.75 hectares of land accessed from the northern boundary by a field gate, leading off Thompsons Meadow. The site is located on the eastern edge of the village and is surrounded by a mature tree belt. The trees on the northern and eastern boundaries of the site are the subject of Tree Preservation Orders (TPO's).
31. The District Design Guide SPD Adopted March 2010 has assessed the site area as 'The Chalk lands'. Key characteristics of this designation include rolling chalk hills and gently undulating plateau. The site itself is paddock land and the land levels are relatively flat.

### **Proposal**

32. The proposal seeks outline planning permission for the erection of up to 16 dwellings and the formation of a new access onto Thompsons Meadow (all other matters including landscape, layout, scale and appearance are reserved). The scheme has been revised to improve the indicative layout by increasing the amount of public open space. It is important to emphasise that the proposed layout is only indicative at this stage.

### **Planning Assessment**

#### **Housing Land Supply**

33. The National Planning Policy Framework (2012) (NPPF) requires local planning authorities to boost significantly the supply of housing, to achieve this a five-year housing land supply with an additional buffer, as set out in paragraph 47, should be identified and maintained.
34. The local planning authority accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 3.7 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 2016). 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.

35. 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. The affected policies that were listed in the Waterbeach appeal decision letters 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 considered policies "for the supply of housing".
36. Further guidance as to which policies should be considered as 'relevant policies for the supply of housing' emerged from a recent Court of Appeal decision (*Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes*). The Court defined 'relevant policies for the supply of housing' widely so not to be restricted to 'merely policies in the Development Plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites,' but also to include, 'plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed.' Therefore all policies which have the potential to restrict or affect housing supply may be considered out of date in respect of the NPPF.
37. However, the Court of Appeal has confirmed that even where policies are considered 'out of date' for the purposes of NPPF paragraph 49, a decision maker is required to consider what (if any) weight should attach to such relevant policies.
38. 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/7 and NE/17 of the adopted Development Control Policies. Policies S/7, S/8, S/10 and NH/3 of the draft Local Plan are also material considerations but are also considered to be relevant (draft) policies for the supply of housing.
39. 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).

#### *Principle of development*

40. The site is located in the countryside, outside the Guilden Morden Development Framework, although adjacent to and opposite on its northern boundary, where Policy DP/7 of the LDF and Policy S/7 of the Draft Local Plan states that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to

be located in the countryside will be permitted. The erection of a residential development of up to 16 dwellings would therefore not under normal circumstances be considered acceptable in principle since it is contrary to this adopted and emerging policy. However, these policies are considered out of date due to the current lack of a 5 year housing land supply as set out above.

41. It falls to the local planning authority as decision maker to assess the weight, if any, that should be given to the existing policies. The Council considers this assessment should, in the present application, have regard to factors including whether the policies continue to perform a material planning objective and whether it is consistent with the policies of the NPPF. Guilden Morden is identified as a Group Village under Policy ST/6 of the LDF and Policy S/8 of the Draft Local Plan, one of four categories of rural settlements.
42. The rural settlements, in terms of preference for housing provision, are placed behind the edge of Cambridge and new town of Northstowe. Group Villages are less sustainable settlements than Rural Centres and Minor Rural Centres, having fewer services and facilities and allowing only some of the day-to-day needs of residents to be met without the need to travel outside the village. Guilden Morden has only relatively limited facilities and services, with no secondary school, and more limited easily accessible public transport services than larger settlements.
43. Development in Group Villages 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.
44. The Local Plan Village Classification Report June 2012, informed by the Village Services and Facilities Study, reviewed the settlement hierarchy in the adopted Core Strategy 2007, and as part of this considered where individual villages should sit within the hierarchy. The NPPF requires that 'planning policies and decisions should actively manage patterns of growth to make fullest use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable.'
45. Whilst the village of Guilden Morden was not referenced specifically within the Report, the document did provide criteria used in the assessment of the sustainability of settlements within the district. These were public transport, secondary education, village services and facilities, and employment. Furthermore the Report concluded that Guilden Morden did not merit consideration for a higher status within the settlement hierarchy, remaining classified as a Group Village.
46. However, the policy objective and the principle of applying a settlement hierarchy have to be considered in light of the 'out of date' status, resulting from the lack of a five year supply of housing land in the District. By proposing 16 dwellings, the scheme would significantly exceed the indicative maximum of 8 on a greenfield site. The principal consideration is that the NPPF requires development to be assessed against the definition of sustainable development. Specifically in relation to the size of development in or on the edge of Group Villages, the Inspector in the recent Over appeal decision (18 January 2017) stated that '...the strict application of the existing settlement hierarchy and blanket restriction on development outside those areas would significantly restrain housing delivery.....this would frustrate the aim of boosting the supply of housing.'

47. In light of the above, it is not appropriate, in the case of all Group Villages, to attach the same weight to policy DP/7 and DP/1(a) in the 'blanket' way. It is necessary to consider the circumstances of each Group Village to establish whether that village can accommodate sustainably (as defined in the NPPF) the development proposed, having regard in particular to the level of services and facilities available to meet the needs of that development.
48. 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. 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.
49. The environmental issues are assessed in the following sections of the report but specifically 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.
50. Whilst the substantive issues are discussed in detail in the remainder of this report, it is considered that, given the view that, on balance, the site is considered a sustainable location for residential development on the scale proposed 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.
51. The proposals are assessed below against the social and economic criteria of the definition of sustainable development.
- Social Sustainability:
52. 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.
53. The development would provide a clear benefit in helping to meet the current housing shortfall in South Cambridgeshire through delivering up to an additional 16 residential dwellings, 50% of which would be affordable (8 units). Ensuring that the housing mix in the market element of the scheme would accord with emerging policy H/8 (discussed in detail later in this report) is a matter to be dealt with at the reserved matters stage.
54. The provision of 50% affordable dwellings (40% is the minimum policy compliant level), is considered to be a social benefit and significant weight should be attributed 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 Guilden Morden.
55. The adopted Open Space SPD requires the provision of just over 460 square metres of public open space for a development on the scale proposed, depending on the final

mix, which is to be determined at the reserved matters stage (this figure represents an average based on a policy compliant mix). The scheme exceed this amount by a significant margin (in excess of 1000 square metres is shown on the indicative masterplan).

56. Given that Guilden Morden has an identified short fall in play space and informal open space, the fact that this amount of space can be provided at the density of development indicated is considered to be a significant social benefit of the proposals. The provision of a Local Area of Play would also have wider social benefits given that the open space associated with the residential development on Thompson's Meadow does not have a formal area for child play.

#### Impact on services and facilities

57. Guilden Morden village is served by relatively few services and facilities but does have a village hall, a church, a primary school, a recreation ground, a pub (in addition to the Three Tuns, which is currently closed) and 2 allotment garden sites. A school bus service connects Guilden Morden to the nearest secondary school, Bassingbourn Village College.
58. This relative lack of services and employment opportunities is reflected in Guilden Morden being designated a 'Group Village' in the Core Strategy settlement hierarchy. Group villages are described as '*generally less sustainable locations for new development than Rural Centres and Minor Rural Centres, having fewer services and facilities allowing only some of the basic day-to-day requirements of their residents to be met without the need to travel outside the village*', and new housing proposals are restricted to limited development which will help maintain remaining services and facilities.
59. Whilst the village is served by some community and social facilities, it is deficient in its function to provide significant sources of employment, secondary education and services to fulfil other than the most basic shopping trip. As such, journeys out of the village would be a regular necessity for the majority of residents in order to access many day-to-day services.
60. The nearest settlement that would offer services and social facilities, including sources of employment and secondary education, to possibly meet day-to-day needs would be the Minor Rural Centre of Bassingbourn, located approximately 5 miles to the south east. Beyond this, Royston is approximately 9.5 miles from Guilden Morden
61. There is a bus stop on Trap Road, approximately 200m from the site. A service connects Guilden Morden to Royston, with 1 bus to Royston and 2 back at commuting times during the week, with an infrequent return service during the rest of the day. A similar service operates on a Saturday, with no service on a Sunday. The service between the village and Cambridge is extremely limited and would not allow commuting from the proposed development without access to private motor transport.
62. Thompsons Meadow has a public footpath (on the opposite side of the road), connecting to Trap Road. The existing footpath network allows access to the bus stops referred to above from Thompsons Meadow. The proposed development includes the installation of a footway along the northern boundary of the site to improve connectivity and this would improve the sustainability of the scheme. Details of the extent of the footpath and details of the construction of the link within the highway can be secured by condition at this outline stage.

63. It is acknowledged that occupants of the proposed development would need to make journeys to larger centres, such as Royston, to meet day to day needs. However, it is possible to do that journey by public transport from the development and therefore there is an alternative to the use of the private car for these journeys. This would allow access to employment in Royston and medical and education provision in Bassingbourn.
64. In assessing the issue of addressing a housing shortage and accounting for the rural character of the majority of the District, the Inspector deciding the Over appeal concluded that 'the level of approvals (of new dwellings across the district) are not at such a scale or rate that they are making significant in-roads into the shortfall.' In relating that situation to the merits of the Over scheme, the Inspector stated 'a concern that the location of this development would lead to journeys for shopping trips is therefore something that is potentially to be repeated in other such locations and therefore does not make this site significantly less sustainable than any other site....'
65. Over as a village has more facilities (e.g. a village shop, GP surgery and a mobile post office) than Guilden Morden. However, it does not have significant sources of employment or services that would go beyond meeting basic day to day needs and access to these would therefore generate trips out of the village. The bus service from Over to Cambridge is no more frequent than the service from Guilden Morden to Royston and the journey time is longer. It is the case that the Guided Busway provides a more frequent public transport alternative for residents in Over and such an alternative does not exist in Guilden Morden. This weighs against the environmental sustainability of this scheme therefore.
66. However, given the similarities in the services accessible from the respective sites on foot, it is considered that the level of private trips generated by this development, would be substantially less than the Over scheme for 55 dwellings. As a result, it is considered that the environmental harm arising from reliance on the private car to access more than basic services would not be substantial enough to outweigh the significant benefits of the proposal, including the over provision of affordable housing in relation to the adopted policy requirement. This change in policy context, coupled with the reduction in the size of this proposal in relation to the previously refused application for 30 dwellings, are material considerations which have led officers to conclude that a recommendation of refusal in this case on the basis of the number of units alone could not be substantiated at appeal.
67. 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.
68. The County Council as Education Authority has confirmed that there is capacity within the pre-school, primary school (Guilden Morden) and secondary school (Bassingbourn Village College), as well as within the library service in terms of lifelong learning facilities to accommodate the population of this development. This factor would weigh in favour of the social sustainability of the scheme.
69. 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. The Urban Design Officer has raised no objection in relation to the principle of

erecting 16 dwellings on the site, with matters relating to the detailed layout to be addressed at the reserved matters stage.

Economic.

70. The provision of up to 16 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.

Environmental.

*Impact on character of the village and landscape*

71. The application proposes new housing at a density of approximately 10 dwellings per hectare (dph). Policy HG/1 requires new developments to make best use of the site by achieving average net densities of at least 30 dph unless there are exceptional local circumstances that require a different treatment. Policy H/7 of the Draft Local Plan confirms that density requirement, but states that it may vary on a site where justified by the character of the locality, the scale of the development or other local circumstances.
72. Given the need to retain the tree belt around the perimeter of the site to reduce the landscape impact of the development and the relatively limited nature of the services and facilities within the village, it is considered that the low density of development is acceptable in principle in this village edge location.
73. Policy HG/1 is considered to be a policy that relates to the supply of housing, and are therefore to be considered as being out of date. However, one of the aims of this policy and emerging Local Plan policy H/7 is the need to respond to local character, which is supported by the aims of the NPPF as identified below, and Policies DP/2 and DP/3 of the adopted LDF. Policies DP/2 and DP/3 are not considered to be housing supply policies and are not therefore considered to be out of date.
74. Officers are of the view that considerable weight can therefore be given to Policy HG/1 and emerging policy H/7 where the proposed density of a particular development compromises local character and the aims of paragraph 58 of the NPPF which states that it should be ensured that developments respond to local character, and history, and reflect the identity of local surroundings and materials.
75. Policy DP/2 of the LDF states that all new developments should preserve or enhance the character of the local area; conserve or enhance important environmental assets of the site; and be compatible with its location in terms of scale, mass and form.
76. Policy DP/3 of the LDF states that planning permission will not be granted where the proposed development would, amongst other criteria, have an unacceptable adverse on village character, the countryside and landscape character.
77. The site is subject to extensive tree and hedge planting, with mature tree belts most prominent on the eastern, western and southern boundaries, which screen the site to a significant extent from views along Trap Road. The presence of extensive boundary planting gives the site a sense of containment within the wider landscape , as opposed to being closely related to the character of the open agricultural fields to the south. This means that the site reads as a separate entity when considered within the context of the surrounding landscape.

78. The site is located on the edge of the village and the approach to the site from the south is rural in character, with properties to the south and east set in substantial plots and open fields separating this part of the village from the High Street (which has a prevailing linear pattern of development) to the west. Development along Church Street and Church Lane is relatively dense although an area of open space associated with the development on Thompsons Meadow provides a sense of openness adjacent to the village framework.
79. The Design and Landscape Officer raised no objection to the principle of development, noting the screened nature of the site, following amendments to the indicative design and relocation of the public open space to the edge of the development, ensuring the preservation of the protected trees. The Design Officer has commented that the properties should front out towards Thompson's Meadow and Trap Road, which would allow for better surveillance of the Local Area of Play and informal public open space. Acknowledging that these are issues to be resolved at the reserved matters stage, the Design Officer concludes that, due to the low density of the scheme, there is no objection to the principle of erecting 16 units on the site from a landscape and built form character point of view.
80. 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 building or its setting or any features of special architectural or historic interest which it possesses." It is considered that the amended indicative layout would not have any adverse affect on the setting of the conservation area, which is located in excess of 162 metres from the site.
81. The application site is well screened and is separated from the conservation area by the modern housing development which extends north of Thompsons Meadow. The grade II listed Dove Cottage (north of the site) is separated from the site by an area of open space which is extensive enough to ensure that there would be no significant harm to the setting of this listed building. No other listed buildings would be adversely affected by the proposals.
82. Officers are of the view that the illustrative scheme demonstrates that the site is capable of providing the proposed number of dwellings, having regard to the constraints of the site, and in a manner which would not materially detract from the rural character of the area or setting of the village, in accordance with the aims of Policies DP/2 and DP/3.

### **Residential amenity**

83. The application is in outline form 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.
84. The submitted drawings demonstrate that the site could accommodate the amount of development proposed without having an unreasonable impact on residential amenity through overlooking or overbearing impact. Adequate separation distances could be retained to the neighbouring properties to the north, south and east of the site and the retention of the majority of the established tree belt on the boundaries of the site would emphasise the sense of separation. The proposals therefore accord with the relevant amenity criteria of policy DP/3 of the Local Development Framework and the

requirements of the District Design Guide.

### **Access and Transport**

85. The Highways Authority raises no objection to the proposal subject to the imposition of conditions regarding construction of the proposed access and submission of a traffic management plan. The proposal is thereby acceptable in this regard.
86. A footpath is proposed to be provided from the access to the development, to join up with the existing footpath which currently ends just south of the junction onto Cambridge Road/High Street. This can be secured by condition.

### **Surface water drainage**

87. The site lies in Flood Zone 1.
88. The Lead Local Flood Authority raises no objection to the proposal, subject to the imposition of conditions regarding restriction in run-off and surface water storage and details of long term maintenance arrangements for any parts of the surface water drainage system which will not be adopted.
89. The Council's Drainage Manager raises no objection to the proposal, subject to the imposition of a condition requiring details of the surface water drainage system. The proposal is thereby acceptable in this regard.

### **Foul water drainage**

90. Anglian Water raises no objection to the proposal, stating there is capacity for Wastewater Treatment and Foul Sewerage. The proposal is thereby acceptable in this regard.

### **Ecology and Trees**

91. The Ecology Officer raises no objection to the proposal. The scheme is considered to preserve the existing boundary planting that is subject to a group Tree Preservation Order (TPO) on the northern and western boundaries of the site. As a result, it is considered that these important ecological features could be preserved by the proposed scheme. The mitigation measures within the submitted Ecological Appraisal and biodiversity enhancements can be secured by condition.
92. The Tree Officer has raised no objections to the proposals following a revision to the indicative masterplan which ensures that adequate separation could be retained to the protected trees on the northern and eastern boundaries and the mature planting on the other boundaries of the site. Details of the means of protection of existing trees during the construction of the development and once the scheme is occupied can be secured at the outline stage. Details of new planting can be secured at the reserved matters stage.

### **Renewable Energy**

93. The applicant has indicated that the scheme will have regard for Policy NE/3 and the requirement of renewable technologies, but has stated that this can only be resolved at the detailed stage as further design and layout information becomes available.
94. Officers are of the view that this matter can be dealt with by condition, however the



detailed layout and orientation of dwellings should seek to maximise energy saving possibilities.

### **Planning Obligations**

95. From 6 April 2015, the use of 'pooled' contributions toward infrastructure projects has been restricted. Previously, LPAs had been able to combine planning obligation contributions towards a single item or infrastructure 'pot'. However, under the Community Infrastructure Levy Regulation 123(3), LPAs are no longer able to pool more than five planning obligations together if they were entered into since 6 April 2010, and if it is for a type of infrastructure that is capable of being funded by the CIL. These restrictions apply even where an LPA does not yet have a CIL charging schedule in place.
96. The Section 106 Officer has confirmed that there have not been 5 Section 106 agreements in respect of developments in the village of Guilden Morden since 6 April 2010 contributing towards (i) offsite open space and (ii) offsite indoor community space improvements.
97. Appendix 1 provides details of the developer contributions required to make the development acceptable in planning terms in accordance with Policy DP/4 of the LDF and paragraph 204 of the NPPF. Following consultation with Guilden Morden Parish Council, it has been identified that there is a project to provide outdoor gym equipment at the recreation ground and improve the existing outdoor bike activity area. Given the deficit in open space and play provision within the village (as identified in the Open
98. Space and Recreation Study of 2013 commissioned by the Council), it is considered that securing a contribution commensurate with the anticipated population arising from the development would be reasonable. The total pooled contribution towards the provision of these facilities would be approximately £19,000.
99. In relation to outdoor community facilities, the Parish Council have identified the need for a new play area, replacing the existing facility adjacent to the primary school which is no longer in a condition that is fit for use. A contribution based on the anticipated population increase arising from the development of approximately £25,000 towards this scheme could be secured by a Section 106 agreement.
100. In term of indoor facilities, a 2009 audit commissioned by the District Council recommended that 111 square metres of indoor space should be provided per 1000 people. The audit identified a shortage in provision of indoor community space in Guilden Morden and the Parish Council have identified the installation of a solar PV system as a project to which a pooled contribution could be sought, commensurate with the anticipated population increase from this development. This contribution would be in the region of £8,000 and could be secured via the Section 106 agreement.
101. Household Waste Receptacles charged at £73.50 per dwelling and a monitoring fee of approximately £500 (dependent on number of Council employee hours involved) would also be applied.

### **Other Matters**

Archaeology:

102. The County Council Archaeologist considers that the site lies in an area of high potential, located adjacent to an Anglo-Saxon burial site and approximately 250

metres south of the 14<sup>th</sup> Century St. Mary's Church. Village earthworks are located 500 metres to the north west and the moated site of Morden Hall is located to the east. Archaeological investigations to the north east of the site have revealed evidence of Mesolithic, Bronze Age, and Iron Age, medieval and post-medieval occupation. All of these features are registered on the Historic Environment Record.

103. The applicant has completed an initial investigation in relation to any features of archaeological significance on this site. The Archaeologist is satisfied that, subject to a condition requiring a remediation strategy to be agreed, the impact of development on the site can be mitigated in this regard. Such a condition can be imposed at this outline stage.

#### Environmental Health:

104. The Environmental Health Officer has raised no objections to the proposals, indicating that an Operational Noise Management Plan/Scheme should be approved prior to the commencement of any works, to ensure that measures are implemented to prevent any detrimental impact of the construction phase on the residential amenity of neighbouring residents. Conditions relating to the approval of a management plan relating to traffic and the storage of materials during the construction phase, a limit on the hours of deliveries to the site and the times during which power operated machinery can be used are considered necessary and can be added to the decision notice. A noise management plan associated with the use of piled foundations can also be conditioned at this outline stage, in the eventuality that this method of construction is employed.
105. The site is considered to be a low risk in relation to ground contamination but given the sensitivity of the end use, it is considered that an assessment in this regard should be undertaken prior to the commencement of development. The completion of this investigation and compliance with the agreed necessary mitigation measures can be secured by condition at this outline stage.

#### Conclusion

106. In considering this application, the following relevant adopted development plan policies are to be regarded as out of date while there is no five year housing land supply:
107. ST/6: Group Villages – indicative maximum scheme size of 8 dwellings  
DP/1 – Sustainable Development  
DP/7: Village Frameworks  
HG/1: Density  
HG/2: Housing Mix  
NE/1: Biodiversity  
NE/17: Protecting High Quality Agricultural Land  
CH/2: Archaeological Sites  
CH/5; Conservation Areas
108. 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.
109. Given the fact that the District cannot currently identify a five year supply of housing land, policies which restrict the supply of housing outside of village frameworks are out of date and should therefore only be afforded limited weight in the decision making

process. In accordance with the guidance in paragraph 14 of the NPPF, in balancing all of the material considerations, planning permission should be granted unless the harm arising from the proposal would 'significantly and demonstrably' outweigh the benefits.

110. The proposed development would provide a significant number of dwellings, 50% of which would be affordable. This is a benefit which should be given significant weight in the determination of the planning application. Given the significant shortage of affordable housing in the District and within the Parish of Guilden Morden, the fact that this proposal would exceed the policy requirement of a minimum 40% is considered to be a significant social benefit of the development.
111. The proposal would not result in significant harm to the character of the landscape, allowing for the retention of the trees on the eastern, southern and western boundaries and requiring limited removal of planting on the northern boundary. This would retain a sense of containment and reduce the impact of the development on the character of the wider landscape to an acceptable degree.
112. It is acknowledged that Guilden Morden has a limited number of services and facilities and that travel to larger centres, such as Royston, is required to meet basic day to day needs and sources of employment. However, there is a bus service which would allow commuting to Royston which serves bus stops within a short walk of the development. This would provide an alternative means of transport to access a broader range of services and facilities without relying on the private car. This situation represents a direct parallel between this application and the scheme on the edge of Over recently allowed at appeal which has been quoted in this report. As such, officers consider that this recent decision is a material consideration which should be afforded significant weight in the determination of this application.
113. Whilst there would be some harm arising from the need to travel from the development to access facilities such as shops, a doctor's surgery, places of education and employment, this is considered not to significantly and demonstrably outweigh the benefits of the proposals, within the context of the lack of a five year housing land supply. There is no significant harm arising from the scheme in relation to design, landscape impact, flood risk, highway safety or drainage, as demonstrated by the lack of objections from statutory consultees in each of these areas.
114. It is considered that the scheme includes positive elements which enhance social sustainability. These include:
  - the positive contribution of up to 16 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 provision of 8 affordable dwellings on site, making a significant contribution to the identified need in Guilden Morden and the wider District and exceeding the requirements of adopted Local Plan policy
  - significant public open space, including a Local Equipped Area of Play on the site in a village that currently has a deficit in the provision of both of these community facilities
115. There are also considered to be decisive material differences between this proposal and the policy context in which the application is being assessed and the previous refusal for 30 dwellings on the site. Firstly, this scheme is considerably smaller in size at 16 units and would therefore give rise to smaller population increase in Guilden

Morden. The environmental impact of the proposal in terms of trip generation and the social impact in relation to the capacity of services and facilities would therefore be reduced. In addition, the Over and Melbourn appeal decisions have provided additional guidance on weighing the benefits against the harm resulting from a proposal within the context of a lack of a five year housing land supply, a deficit which has further deteriorated (from 3.9 to 3.7 years) since the time of the refusal of the scheme for 30 dwellings on this site.

116. The provision of more than 40% affordable housing on site, the reduction in the size of the scheme and the change in policy context since the refusal of the scheme for 30 dwellings on this site are factors which lead officers to conclude that this application should be recommended for approval. None of the disbenefits arising from the proposals are considered to result in significant and demonstrable harm when balanced against the positive elements and therefore, it is considered that the proposal achieves the definition of sustainable development as set out in the NPPF.

### **Recommendation**

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

#### **Section 106 agreement**

To cover the issues outlined in this report and attached as appendix 1 to this report.

#### **Draft conditions**

- (a) Outline planning permission
- (b) Time limit for submission of reserved matters
- (c) Time limit for implementation (within 2 years of approval of reserved matters)
- (d) Approved plans
- (e) Landscaping details
- (f) Contaminated land assessment
- (g) Dust, noise, vibration mitigation strategy
- (h) Noise assessment relating to impact of road traffic on Thompsons Meadow and Trap Road on the amenity of the occupants of the proposed development– including necessary mitigation measures
- (i) Details of renewable energy generation (including water efficiency/conservation measures) within the development and associated noise assessment and mitigation measures – 10% renewables and compliance.
- (j) Scheme to detail provision of footway to connect to existing facility along Thompsons Meadow
- (k) Foul water drainage scheme
- (l) Surface water drainage scheme (management and maintenance to be secured through Section 106)
- (m) Sustainable drainage strategy
- (n) Tree Protection measures
- (o) Retention of existing planting on site boundaries
- (p) Compliance with flood risk assessment
- (q) Time restriction on the removal of trees
- (r) Detailed plans of the construction of the accesses
- (s) Pedestrian visibility splays
- (t) Ecological enhancement and habitat management plan
- (u) Scheme of archaeological investigation
- (v) Site waste management plan
- (w) Restriction on the hours of power operated machinery and deliveries during

- construction
- (x) Compliance with ecological survey submitted
- (y) External lighting to be agreed
- (z) Cycle storage
- (aa) Housing mix within market element to be policy compliant
- (bb) Boundary treatments
- (cc) Waste water management plan
- (dd) Construction environment management plan
- (ee) Details of piled foundations
- (ff) Fire hydrant locations
118. (gg) Screened storage for refuse
- (hh) Traffic Management Plan
- (ii) Vehicle Charging Infrastructure Strategy

### **Informatives**

- (a) Environmental health informatives
- (b) Exclusion of indicative plans from approval – indicative layout plan not to be approved at this outline stage

### **Background Papers:**

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Planning File Ref: S/3077/16/OL

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