

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

STATEMENT OF CASE

APPEAL BY CHURCHILL RETIREMENT LIVING LTD.

**AGAINST THE NON-DETERMINATION OF A FULL PLANNING APPLICATION
FOR REDEVELOPMENT TO FORM 39 RETIREMENT LIVING APARTMENTS
FOR OLDER PERSONS INCLUDING COMMUNAL FACILITIES, CAR
PARKING AND ASSOCIATED LANDSCAPING**

AT STATION ROAD, GREAT SHELFORD, CB22 5LT

PINS Reference: APP/W0530/W/22/3296300

LPA Reference: 21/05276/FUL

May 2022

STATEMENT OF CASE OF THE LOCAL PLANNING AUTHORITY

1.0 Introduction

1.1 This appeal statement relates an appeal against non-determination of a full planning application for redevelopment to form 39 retirement living apartments for older persons including communal facilities, car parking and associated landscaping.

1.2 The application was support by the following drawings: -

40040GS/PA00	Location Plan
400/40GS/PA01	Site Plan
400/40GS/PA02	Ground Floor Plan
400/40GS/PA03	First Floor Plan
400/40GS/PA04	Second Floor Plan
400/40GS/PA05	Roof Plan
400/40GS/PA06	Elevations 3
400/40GS/PA07	Elevations 3
400/40GS/PA08	Elevations 3
JBA 21- 312 SK02 Rev. A	Landscape Strategy

1.3 The following documents have also been submitted as part of the application: -

Planning Statement

Appeal decisions

Retirement Living Explained

Healthier and Happier

Silver Saviours

Housing Markets and Independence in Old Age

Design and Access Statement

Response to Urban Design comments

Visually Verified Montages and CGI Image

Affordable Housing Statement

Marketing Report
Office Tenant Plan
Note on Vacant Building Credit
Transport Statement
Transport Note
Visibility Splay Plan
Sustainability Statement
Noise Impact Assessment
Flood Risk and Drainage Technical Note
Drainage Layout Drawing
Response to Drainage comments
Desk Study Appraisal
Ecological Assessment
Heritage Statement
Statement of Community Involvement

1.4 The Council's putative reasons for refusal are set out below: -

Reason for refusal 1 - Affordable housing and vacant building credit

The proposed development, by reason of the inappropriate calculation of vacant building credit, is considered to result in a shortfall in the commuted sum required to provide affordable housing off site to contribute towards local needs. The proposal is therefore contrary to Policy H/10 of the South Cambridgeshire Local Plan 2018 which seeks 40% of dwellings on site to be affordable to meet local needs unless it is not economically viable, and paragraph 64 of the National Planning Policy Framework 2021 which requires vacant credit to be taken into account when calculating affordable housing on brownfield sites.

Reason for refusal 2 - Character and appearance of the area

The proposed development, by reason of its density of approximately 134 dwellings per hectare, cramped layout and close proximity to the

boundaries with lack of landscaping, siting in close proximity to Station Road, three storey height central and rear sections, substantial size and scale, 'H' plan form, and a poor level of communal and private amenity space, is considered to result in a poor quality design and living environment which would not make a positive contribution the local and wider context. The proposal is therefore contrary to Policies S/7, H/8 and HQ/1 of the South Cambridgeshire Local Plan 2018 which seek developments to preserve or enhance the character of the local urban and rural area and respond to its context in the wider landscape; include variety and interest within a coherent, place-responsive design, which is legible and creates a positive sense of place and identity whilst also responding to the local context and respecting local distinctiveness; be compatible with its location and appropriate in terms of scale, density, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area; deliver a strong visual relationship between buildings that comfortably define and enclose streets, squares and public places, creating interesting vistas, skylines, focal points and appropriately scaled landmarks along routes and around spaces; ensure that car parking is integrated into the development in a convenient, accessible manner and does not dominate the development and its surroundings or cause safety issues; and include high quality landscaping and public spaces that integrate the development with its surroundings, having a clear definition between public and private space which provide opportunities for recreation, social interaction as well as support healthy lifestyles, biodiversity, sustainable drainage and climate change mitigation.

Reason for refusal 3 - Neighbour amenity

The proposed development, by reason of the provision of a significant number of habitable rooms in the north and south elevations and lack of separation between the adjacent dwelling to the north and the approved care home to the south, is considered to result in overlooking and a severe loss of privacy to habitable rooms and a roof terrace which would adversely affect the amenities of neighbours. The proposal is therefore contrary to

Policy HQ/1 of the South Cambridgeshire Local Plan 2018 which seeks developments to protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust.

Reason for refusal 4 - Highway safety

The proposed development, by reason of the inadequate access width and lack of kerb radius, is considered to adversely affect the functioning of the public highway along Station Road to the detriment of highway safety. Notwithstanding the above, the inadequate size of the vehicle parking spaces on site may also have implications in terms of highway safety. The proposal is therefore contrary to paragraph 111 of the National Planning Policy Framework 2021 which seeks to resist developments where there would be an unacceptable impact on highway safety.

Reason for refusal 5 - Water pollution

The proposed development, by reason of the inappropriate surface water treatment and pollution control measures in relation to the surface water discharging from the attenuation tank, would result in a significant risk to water quality. The proposal is therefore contrary to Policies CC/7 and CC/8 of the South Cambridgeshire Local Plan 2018 which seeks to resist developments which would not protect water quality.

Reason for refusal 6 - Developer contributions

The proposed development, by reason of the potential lack of developer contributions towards open space and burial sites, is not considered to sufficiently mitigate the impact of the development upon local infrastructure. The proposal is therefore contrary to Policies SC/7 and TI/8 of the South Cambridgeshire Local Plan 2018 which seeks to ensure adequate infrastructure to make the development acceptable in planning terms.

- 1.5 The application will be considered by the Council's planning committee shortly to confirm the reasons for refusal.
- 1.6 The Council therefore currently considers that the main issues in this appeal are:
- i) Whether the development would provide a sufficient contribution towards affordable housing with regards to vacant building credit;
 - ii) Whether the development would be of high quality design and preserve or enhance the character and appearance of the area;
 - iii) Whether the development would adversely affect the amenities of neighbours;
 - iv) Whether the development would be detrimental to highway safety;
 - v) Whether the development would protect water resources; and,
 - vi) Whether the development would provide acceptable contributions towards infrastructure.
- 1.7 Should further information be submitted in relation to the above matters to address the putative reasons for refusal, the Council reserves the right to withdraw these reasons for refusal prior to the public inquiry.

2.0 Site and Surrounding Area

- 2.1 The site is located within the Great Shelford development framework. It measures approximately 0.29 of a hectare in area.
- 2.2 The site currently comprises three office buildings- The Stables, Link House/Granary House and The Maltings. The Stables is a one and a half storey building sited on the eastern boundary of the site adjacent to Station Road. Link House/Granary House is a two storey building on the southern boundary of the site. The Maltings is a one and a half storey building on the eastern boundary of the site.

- 2.3 There is a hard surfaced car park with 63 vehicle parking spaces between the buildings. A high wall aligns the northern boundary
- 2.4 The site is situated adjacent to the boundary of the conservation area. There are no listed buildings within the vicinity of the site.
- 2.5 The site is situated in flood zone 1 (low risk). Part of the site is within a low surface water risk area.
- 2.6 Residential properties are situated to the north. The Cambridge to London Liverpool Street railway line lies to the east. Planning permission has been granted for a care home to the south. Station Road lies to the west.

3.0 Relevant Planning History

- 3.1 The relevant planning history for the site is set out below: -

S/1434/00/F - Erection of two storey linking building for use as offices - Approved

S/0750/96/F - Office Extension - Approved

S/0706/83/F - Construction of covered way and change of use from stores to offices – Approved

4.0 Policy Context

Local Plan

- 4.1 The adopted development plan for the area is the South Cambridgeshire Local Plan 2018. The main policies in relation to the proposal are set out below: -

S/1 Vision

S/2 Objectives of the Local Plan

S/3 Presumption in Favour of Sustainable Development

S/5 Provision of New Jobs and Homes

S/6 The Development Strategy to 2031

S/7 Development Frameworks
S/8 Rural Centres
E/14 Loss of Employment Land to Non Employment Uses
H/8 Housing Density
H/9 Housing Mix
H/10 Affordable Housing
H/12 Residential Space Standards
HQ/1 Design Principles
HQ/2 Public Art and New Development
NH/4 Biodiversity
NH/14 Heritage Assets
CC/1 Mitigation and Adaptation to Climate Change
CC/3 Renewable and Low Carbon Energy in New Developments
CC/4 Water Efficiency
CC/7 Water Quality
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk
SC/6 Indoor Community Facilities
SC/7 Outdoor Play Space, Informal Open Space and New Developments
SC/9 Lighting Proposals
SC/10 Noise Pollution
SC/11 Contaminated Land
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments
TI/10 Broadband

4.2 The policies of the Local Plan relevant to the decisions are set out in the grounds of appeal section below.

4.3 Please see **Appendix 1** for full copies of the Local Plan policies.

Supplementary Planning Documents (SPD'S)

- 4.4 The Council has a number of supplementary planning documents which can be given due weight as planning guidance. The main documents to the proposal are set out below: -
- Greater Cambridge Biodiversity - Adopted February 2022
 - Greater Cambridge Sustainable Design and Construction - Adopted January 2020
 - Cambridgeshire Flood and Water - Adopted November 2016
 - Health Impact Assessment - Adopted March 2011
 - District Design Guide - Adopted March 2010
 - Landscape in New Developments - Adopted March 2010
 - Affordable Housing - Adopted March 2010
 - Development Affecting Conservation Areas - Adopted January 2009
 - Trees and Development Sites - Adopted January 2009
 - Open Space in New Developments - Adopted January 2009
 - Public Art - Adopted January 2009
- 4.5 Please find below a summary description of the key relevant supplementary planning documents to the appeal.
- 4.6 The Affordable Housing SPD expands upon former Policy HG/3 of the Local Development Framework 2007 which is now Policy H/10 of the Local Plan 2018. Chapter 5 is particularly relevant to this appeal.
- 4.7 The District Design Guide SPD expands upon former Policies DP/2 and DP/3 of the Local Development Framework 2007 which is now Policy HQ/1 of the Local Plan 2018. Chapters 4, 5 and 6 are particularly relevant to this appeal.
- 4.8 The Landscape in New Developments SPD expands upon former Policies DP/2 and DP/3 of the Local Development Framework 2007 which is now Policy HQ/1 of the Local Plan 2018. Chapters 2 and 3 are particularly relevant to this appeal.

- 4.9 The Flooding and Water SPD expands upon former Policy NE/9 of the Local Development Framework 2007 which are now Policies CC/7 and CC/8 of the Local Plan 2018. Chapter 6, Section 6.5 is particularly relevant to this appeal.
- 4.10 The Open Space in New Developments SPD expands upon former Policies SF/10 and SF/11 of the Local Development Framework 2007 which is now Policy SC/7 of the Local Plan 2018. Chapter 2 is particularly relevant to this appeal.
- 4.11 Please see **Appendix 2** for copies of the relevant supplementary planning documents.

5.0 National Guidance

- 5.1 National planning guidance is set out in the National Planning Policy Framework (NPPF) 2021, and National Design Guide 2021, and National Planning Practice Guidance (NPPG).

National Planning Policy Framework

- 5.2 Paragraph 8 sets out the three overarching objectives of the planning system to achieve sustainable development.
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open

spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 5.3 Paragraph 10 states that there is a presumption in favour of sustainable development.
- 5.4 Paragraph 11 requires plans and decision to apply a presumption in favour of sustainable development. For decision-taking this means:
- a) approving development proposals that accord with an up-to-date development plan without delay; or
 - b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.5 Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if

material considerations in a particular case indicate that the plan should not be followed.

- 5.6 Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.7 Paragraph 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 5.8 Paragraph 62 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers²⁷, people who rent their homes and people wishing to commission or build their own homes²⁸).
- 5.9 Paragraph 119 requires planning policies and decisions to promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. The footnote states that except where this would conflict with other policies in this Framework.
- 5.10 Paragraph 120 states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

5.11 The paragraphs of the NPPF particularly relevant to the decisions are set out in the grounds of appeal section below.

National Design Guide

5.12 The National Design Guide supports paragraphs 126, 130, and 134 of the NPPF in relation to Achieving Well Designed Places. It sets out ten key characteristics for good design: -

- i) Context – enhances the surroundings.
- ii) Identity – attractive and distinctive.
- iii) Built form – a coherent pattern of development.
- iv) Movement – accessible and easy to move around.
- v) Nature – enhanced and optimised.
- vi) Public spaces – safe, social and inclusive.
- vii) Uses – mixed and integrated.
- viii) Homes and buildings – functional, healthy and sustainable.
- ix) Resources – efficient and resilient.
- x) Lifespan – made to last.

National Planning Practice Guidance

5.13 The National Planning Practice Guidance expands upon the National Planning Policy Framework. The sections on Design, Planning Obligations, Housing Needs for Different Groups, and Housing for Older and Disabled People are particularly relevant to this appeal.

6.0 Grounds of Appeal

Reason for refusal 1 - Affordable housing and vacant building credit

6.1 Policy H/10 of the Local Plan states the following: -

1. All developments of 11 dwellings or more, or on development sites of

less than 11 units if the total floorspace of the proposed units exceeds 1,000m², will provide affordable housing as follows:

- a. To provide that 40% of the homes on site will be affordable;
- b. To address evidence of housing need. An agreed mix of affordable house tenures will be determined by local circumstances at the time of granting planning permission;
- c. In small groups or clusters distributed through the site.

2. Except where:

- d. It can be demonstrated that the level of affordable housing sought would make a development unviable in light of changing market conditions, individual site circumstances and development costs. In which case a revised mix of affordable house types and tenures and then a lower level of affordable housing provision may be negotiated;
- e. The off-site provision of affordable dwellings can be demonstrated to have benefits such as the provision of additional affordable dwellings, or the improvement or a better use of existing housing stock and would contribute to the creation of mixed and balanced communities;
- f. It can be demonstrated that it is not possible or appropriate to build affordable homes on-site or off-site, in which case the development will provide a financial contribution towards the future provision of affordable housing. The contribution to be of 'broadly equivalent value' to that which would have been provided on-site.

6.2 Paragraph 63 of the NPPF states that where a need for affordable housing is identified, planning policies should specify the type of affordable housing required²⁹, and expect it to be met on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities.

- 6.3 Paragraph 64 states that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount³⁰.
- 6.4 The Council will demonstrate through its evidence that there is a significant need towards affordable housing in Great Shelford and the district of South Cambridgeshire.
- 6.5 It will set out the reasons why the calculation of the vacant building credit on the site is inappropriate and considered applicable to two of the buildings rather than one building.
- 6.6 It will further outline that the provision of a commuted sum equivalent to 12 affordable dwellings rather than 14 affordable dwellings without any economic viability justification would result in a lack of affordable housing on the site towards local needs.

Reason for refusal 2 - Character and appearance of the area

- 6.7 Policy S/7 of the Local Plan supports the development and redevelopment of unallocated land and buildings within development frameworks (as shown on the Policies Map) provided that:
- a. Development is of a scale, density and character appropriate to the location, and is consistent with other policies in the Local Plan; and
 - b. Retention of the site in its present state does not form an essential part of the local character, and development would protect and enhance local features of green space, landscape, ecological or historic importance; and
 - c. There is the necessary infrastructure capacity to support the

development;

- 6.8 Policy H/8 of the Local Plan requires housing developments to achieve an average net density of 30 dwellings per hectare (dph) in Rural Centres unless justified by the character of the locality, the scale of the development, or other local circumstances.
- 6.9 Policy HQ/1 of the Local Plan states requires all new development to be of high quality design, with a clear vision as to the positive contribution the development will make to its local and wider context. As appropriate to the scale and nature of the development, proposals must:
- a. Preserve or enhance the character of the local urban and rural area and respond to its context in the wider landscape;
 - b. Conserve or enhance important natural and historic assets and their setting;
 - c. Include variety and interest within a coherent, place-responsive design, which is legible and creates a positive sense of place and identity whilst also responding to the local context and respecting local distinctiveness;
 - d. Be compatible with its location and appropriate in terms of scale, density, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area;
 - e. Deliver a strong visual relationship between buildings that comfortably define and enclose streets, squares and public places, creating interesting vistas, skylines, focal points and appropriately scaled landmarks along routes and around spaces;
 - f. Achieve a permeable development with ease of movement and access for all users and abilities, with user friendly and conveniently accessible streets and other routes both within the development and linking with its surroundings and existing and proposed facilities and services, focusing on delivering attractive and safe opportunities for walking, cycling, public transport and, where appropriate, horse riding;
 - g. Provide safe and convenient access for all users and abilities to public buildings and spaces, including those with limited mobility or those with other impairment such as of sight or hearing;

- h. Ensure that car parking is integrated into the development in convenient, accessible manner and does not dominate the development and its surroundings or cause safety issues;
- i. Provide safe, secure, convenient and accessible provision for cycle parking and storage, facilities for waste management, recycling and collection in a manner that is appropriately integrated within the overall development;
- j. Provide a harmonious integrated mix of uses both within the site and with its surroundings that contributes to the creation of inclusive communities providing the facilities and services to meet the needs of the community;
- k. Ensure developments deliver flexibility that allows for future changes in needs and lifestyles, and adaptation to climate change;
- l. Mitigate and adapt to the impacts of climate change on development through location, form, orientation, materials and design of buildings and spaces;
- m. Include high quality landscaping and public spaces that integrate the development with its surroundings, having a clear definition between public and private space which provide opportunities for recreation, social interaction as well as support healthy lifestyles, biodiversity, sustainable drainage and climate change mitigation;
- n. Design-out crime and create an environment that is created for people that is and feels safe, and has a strong community focus.

6.10 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

6.11 Paragraph 130 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

6.12 Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

6.13 The Council will describe the character and appearance of the area and demonstrate through its evidence that the development would not be of

high quality design which would make a positive contribution to its local and wider context in Station Road.

- 6.14 It will set out how the scheme would not preserve the character and appearance of the area in terms of its high density, unsatisfactory layout, complex plan form, inappropriate siting, significant height, substantial scale, and insufficient amount and substandard quality of amenity space.

Reason for refusal 3 - Neighbour amenity

- 6.15 Policy HQ/1 of the Local Plan seeks all new developments to Protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust;
- 6.16 The Council will explain the layout of the development and the layout of the adjoining sites.
- 6.17 It will demonstrate through its evidence that the separation distance of approximately 17 metres between the buildings would result in a development which would adversely affect the amenities of neighbours through overlooking and a severe loss of privacy to habitable rooms and main sitting out areas.

Reason for refusal 4 - Highway safety

- 6.18 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.19 The Council will describe the characteristics of Station Road in highway terms.

- 6.20 It will demonstrate through its evidence that the development would be detrimental to highway safety in terms of the inadequate width of the access and lack of radius kerbs. It will also advise of the implications in terms of the inadequate size of the parking spaces.

Reason for refusal 5 - Water pollution

- 6.21 Policy CC/7 of the Local Plan expects developments to protect and enhance water quality, and demonstrate that consideration is given to sources of pollution, and appropriate Sustainable Drainage Systems (SuDS) measures incorporated to protect water quality from polluted surface water runoff.
- 6.22 The Council will demonstrate in its evidence the reasons why surface water treatment and pollution control measures need to be applied to discharge of surface water from the underground attenuation tanks. To protect water quality.

Reason for refusal 6 - Developer contributions

- 6.23 Policy TI/8 of the Local Plan only permits proposals that have made suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms. The nature, scale and phasing of any planning obligations will be related to the form of the development and its potential impact upon the surrounding area and contributions may also be required towards the future maintenance and upkeep of facilities either in the form of initial support or in perpetuity in accordance with Government guidance.
- 6.24 Policy SC/7 requires all housing developments to contribute towards Outdoor Playing Space (including children's play space and formal outdoor sports facilities), and Informal Open Space to meet the need generated by the development in accordance with the following minimum standards:

- a. Outdoor play space, informal open space and allotments and community allotments: 3.2 hectares per 1,000 people comprising:
 - i. Outdoor Sport 1.6ha. per 1,000 people
 - ii. Open Space 1.2ha. per 1,000 people
 - iii. Allotments and community orchards 0.4ha. per 1,000 people
- b. Subject to the needs of the development the open space requirement will consist of:
 - iv. Formal Children's Play Space 0.4ha. per 1,000 people
 - v. Informal Children's Play Space 0.4ha. per 1,000 people
 - vi. Informal Open Space 0.4ha. per 1,000 people

Housing provision consisting of Sheltered housing, Extra Care housing, and residential and nursing homes will not be required to provide Outdoor Play Space except Informal Open Space.

Where appropriate, provision will be on-site so that provision is integrated into the development and benefits to the health and wellbeing of new residents are maximised. However, an appropriate contribution will be required for "off-site" provision of the types of space not provided on-site. This may be for new facilities and/or improvements to existing facilities. On individual sites negotiation may take place on the types of space provided on site, taking account of the needs of the area, existing provision and any identified deficiencies in provision.

6.25 Paragraph 55 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

6.26 Paragraph 57 states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.

6.27 Paragraph 98 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

6.28 The Council will explain the existing facilities in the area and the need for infrastructure to mitigate the impact of the development.

6.29 It will demonstrate through its evidence that the lack of contributions towards open space and burial sites would not provide the required developer contributions to make the development acceptable in planning terms.

Balance

6.30 Whilst the redevelopment of a brownfield site for the provision of elderly persons housing is afforded significant benefits, it is not considered to outweigh the adverse impacts of the development in terms of the lack of an appropriate commuted sum towards affordable housing off site, the poor quality of the development and harm to the character and appearance of the area, adverse effect upon the amenities of neighbours, the detrimental impact upon highway safety, the adverse effect upon water quality, and the lack of contributions towards infrastructure to mitigate the impact of the development.

7.0 Conditions/S106 agreement

7.1 A draft list of conditions will be forwarded shortly.

7.2 The appellant has not submitted a planning obligation in relation to the appeal.

8.0 List of Appendices

1. Local Plan Policies
2. Supplementary Planning Documents
3. List of conditions

9.0 Core Documents

1. Planning application reference 21/05276/FUL
2. South Cambridgeshire Local Plan 2018
3. Supplementary Planning Documents
3. National Planning Policy Framework 2021
4. National Design Guide 2021
5. National Planning Practice Guidance
6. Latest Affordable housing figures
7. South Cambridgeshire Village Services and Facilities Study 2014
8. South Cambridgeshire Recreation and Open Space Study 2013
9. Appeal decision APP/W0530/W/19/3223691 Meldreth