

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

9 August 2017

**AUTHOR/S:** Joint Director of Planning and Economic Development

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| <b>Application Number:</b>                       | S/0202/17/OL  |
| <b>Parish(es):</b>                               | Fulbourn  |
| <b>Proposal:</b>                                 | Outline application including: access points for residential development of up to 110 dwellings with areas of landscaping and public open space and associated infrastructure works. (Resubmission of S/2273/14/OL)   |
| <b>Site address:</b>                             | Land at Teversham Road, Fulbourn  |
| <b>Applicant(s):</b>                             | Daniel Coulson, Castlefield International Limited   |
| <b>Recommendation:</b>                           | Approve subject to Section 106  |
| <b>Key material considerations:</b>              | Housing Land Supply<br>Principle of Development<br>Character and Appearance of the Area<br>Character of the Conservation Area<br>Density/Housing Mix<br>Affordable Housing<br>Developer Contributions<br>Design Considerations<br>Trees and Landscaping<br>Biodiversity<br>Noise<br>Highway Safety and Sustainable Travel<br>Flood Risk<br>Viability<br>Neighbour Amenity |
| <b>Committee Site Visit:</b>                     | Yes   |
| <b>Departure Application:</b>                    | Yes - Press Notice 14 February 2017 and site Notice 13 February 2017  |
| <b>Presenting Officer:</b>                       | Julie Ayre (Team Leader East)   |
| <b>Application brought to Committee because:</b> | The application proposal raises considerations of wider than local interest and the officer recommendation of approval conflicts with the recommendation of Fulbourn Parish Council   |

**Date by which decision due:**

31 August 2017

### **Executive Summary**

1. This application is the resubmission of an application considered by Members in August 2015 for a similar scheme. The previous application was refused and subsequently, dismissed at appeal on the ground of 'the application would not make suitable arrangements for the provision of infrastructure necessary to make the scheme acceptable in planning terms by LDF policies DP/4 and SF/10'. This application seeks to address those concerns raised by Members and the Inspectorate, and is therefore before you again.
2. This proposal, seeks permission for a residential development outside the adopted Fulbourn village framework and in the countryside. The development would not normally be considered acceptable in principle in this location as a result of (i) its size and (ii) its out of village framework location. However, the Council acknowledges at present it cannot currently demonstrate a five-year housing land supply.
3. Given that the Council cannot demonstrate a five year housing land supply, its "housing supply policies" remain out of date (albeit "housing supply policies" do not now include policies ST/5, DP/1(a) or DP/7). As such, and in accordance with the decision of the Supreme Court in the *Hopkins Homes* appeal, para. 14 of the NPPF is engaged and planning permission for housing development should be granted, inter alia, "unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of [the] Framework taken as a whole ...".
4. A balancing exercise needs therefore to be carried out. As part of that balance, in the absence of a five year housing land supply, considerable weight and importance should be attached to the benefit which the proposal brings in terms of delivery of new homes (including affordable homes). It is only when the conflict with other development plan policies – including, where engaged, ST/4, DP/1(a) and DP/7, which seek to direct development to the most sustainable locations – is so great in the context of a particular application as to "significantly and demonstrably outweigh" the benefit of the proposal in terms of deliver of new homes, that planning permission should be refused. This approach reflects the decision of the Supreme Court.
5. The benefits from the development are set out below: -
  - i. The provision of up to 110 dwellings towards housing land supply in the district based on the objectively assessed 19,000 dwellings target set out in the SHMA and the method of calculation and buffer identified by the Inspector.
  - ii. The provision of affordable dwellings towards the identified need across the district.
  - iii. The provision of a significant amount of public open space including children's playspace within the development.
  - iv. Developer contributions towards education, libraries, strategic waste household bins, and a monitoring fee
  - v. Employment during construction to benefit the local economy.
  - vi. Greater use of local services and facilities to contribute to the local economy.

6. The previous application (S/2273/14/OL) is material in considering the outcome of this latest application as the appeal, although dismissed the Inspector did not agree with the Council's former reason for refusal. The Inspector stated that the site was suitable for development, that the appeal proposal would not have an adverse impact on the character or appearance of the surrounding area and subject to successful implementation of an agreed Landscape and Biodiversity Management Plan, the development would not have an unacceptable impact on areas of ecological or nature conservation interests. The Inspector concluded that there would be less than substantial harm to the significance of the Fulbourn Conservation Area, with the harm being at the bottom end of "less than substantial"
7. In respect of the current application the effect of the development on the landscape character, Fulbourn Conservation Area and ecological interests are considered to not demonstrably and significantly outweigh the public benefits that consist of a contribution of 110 dwellings towards the required housing land supply, including 30% affordable.

### **Planning history**

8. S/2273/14/OL (APP/W0530/W/15/3139730) – Refused and dismissed on appeal. The Inspectorate refused the planning permission and concluded that: "Although policies for the supply of housing have to be considered out of date, other relevant development plan policies are up-to-date and should carry full weight. This applies as to the LDF policies DP/1, DP./2, DP/3 and NE/4 dealing with design landscape matters :Policies CH/5 dealing with Conservation Areas: and Policy NE/6 dealing with biodiversity, I have found no conflict with these policies. However LDF Policy DP/4 and SF/10 dealing with infrastructure and new development : outdoor space, playspace, informal open space, and new development carry full weight. This conflict means that despite my favourable findings on many of the main issues, the deficiencies with the UU (Unilateral Undertaking) mean that I cannot have any certainty that the appeal proposal would result in an acceptable development for future residents to live in. I do not consider that this matter could appropriately be addressed by any planning conditions I could impose.

### **Planning Policies**

#### **National**

9. National Planning Policy Framework  
National Planning Policy Guidance

#### **South Cambridgeshire LDF Core Strategy DPD, 2007**

10. ST/4 Rural Centre

#### **Adopted Local Development Framework, Development Control Policies**

11. DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and new development  
HG/1 Housing Density  
HG/3 Affordable Housing

SF/6 Public Art and New Development  
 SF/10 Outdoor Playspace, 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/7 Sites of Geological Importance  
 NE/9 Water and Drainage Infrastructure  
 NE/10 Foul Drainage – Alternative Drainage Systems  
 NE/11 Flood Risk  
 NE/12 Water Conservation  
 NE/14 Lighting Proposals  
 NE/15 Noise Pollution  
 NE/16 Emissions  
 CH/2 Archaeological Sites  
 CH/3 Listed Buildings  
 CH/4 Development within the curtilage or setting of a Listed Building  
 CH/5 Conservation Area  
 SF/10 – Outdoor Play Space, Informal Open Space and New Developments  
 SF/11 – Open Space Standards  
 TR/1 Planning for More Sustainable Travel  
 TR/2 - Car and Cycle Parking Standards  
 TR/3 Mitigating Travel Impact  
 TR/4 Non-motorised Transport

### **Supplementary Planning Document(s)**

12. District Design Guide SPD – adopted 2010  
 Public Art SPD- Adopted 2009  
 Development Affecting Conservation Areas SPD – Adopted 2009  
 Health Impact Assessment SPD – March 2011  
 Affordable Housing SPD – March 2010  
 Open Space in new Developments SPD – Adopted 2009  
 Listed Buildings SPD – Adopted July 2009  
 Trees and Development Sites SPD – Adopted January 2009  
 Landscape and new development SPD – Adopted March 2010  
 Biodiversity SPD – Adopted July 2009

### **South Cambridgeshire Local Plan (emerging)**

13. *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/9 Minor Rural Centres*  
*S/12 Phasing, Delivering and Monitoring*  
*CC/1 Mitigation and adoption 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 S sustainable drainage systems*  
*CC/9 Managing flood risk*

*HG/1 Design principles*  
*HG/2 Public art in new development*  
*NH/2 Protecting and enhancing landscape character*  
*NH/4 Biodiversity*  
*NH/6 Green infrastructure*  
*NH/11 Protected Village Amenity Areas*  
*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*  
*SC/13 air quality*  
*T/I Parking provision*

### **Consultations by South Cambridgeshire District Council as Local Planning Authority**

14. **Fulbourn Parish Council** (Full comments set out in Appendix 2) - Recommend refusal on the same grounds as forwarded on the 15 May 2015. But they raise particular attention to the Inspector comments in relation to the Biodiversity and Landscape management plans which said:
15. In the appeal decision the Planning Inspectorate said a Biodiversity and Landscape Management Plan should include full details of the measures required to deliver the long term maintenance of all the areas providing landscape and ecological management and include means of public access including boardwalks and in addition provide indemnification for this in perpetuity. The applicant's Design and Access Statement January 2017 at paras 62-64 Landscape and Drainage, states: there is no proposal to undertake a management plan as outline by the Planning Inspectorate other than the reference to the preparation of an 'Ecological Management Plan'. In addition Poor Well is owned by Fulbourn Parish Council and is a much loved local amenity. Consequently, the Fulbourn Parish Council will not permit construction of the 'boardwalk' across the land and this should not be considered as an 'access route' to the proposed development.
16. The original comments (May 15) can be summarised as:
  - The outline application indicates that the plan could meet issues, not that it will. The site is difficult to develop and such items such as the number of dwellings, type and layout should not be deferred.
  - Character context and visual impact – setting of Poor Well would be severely adversely affected. The development is not the same character as the rest of the village.
  - Environment and Wildlife Impact – the otter, badger and water vole survey are insufficient. The drainage ditch to the southern boundary is incorrectly described indicating this ditch has not been surveyed. A suitable relocation site for snakes needs to be identified before development can go ahead. Street lighting needs to be addressed to limit the encroachment of urbanisation features.
  - Local Plan Emerging Policy – Fulbourn village is proposed to be reclassified a Minor Rural Centre. This housing is not required to meet housing targets supply due to the memorandum of understanding between Cambridge City/South Cambs.

- The two fields plus Poor Well and the Old Pump House garden are to be designated Local Green Space.
  - Water Management, Flooding and Sewerage – Sewerage has not been considered. All permitted development rights should be removed as additional development could adversely affect surface water mitigations. The consequential flooding of surrounding area has not been considered. The management company responsible for maintenance and drainage must be fully endowed. The effect of inundation on the sewage system and existing surrounding properties has not been considered.
  - Noise and odour – The plan must ensure there is no impact on existing businesses adjoining the site.
  - Effect on amenities – The primary school is full and would need to be substantially enlarged, as would the Heath Centre. Tesco superstore is not a village amenity and should not be taken into account.
  - Site History – The site lies outside the village development boundary contrary to the current development plan. The site has been rejected as unsustainable for housing development in the draft Local Plan.
  - Affordable Housing – No commitment is given to provide a percentage of affordable housing.
  - Future development – the effect of future completion of up to 340 new homes at the Swifts and Ida Darwin site and an extra care facility must be taken into account when consideration this application.
17. **CLLR Williams** – Objects as the applicant has failed to address the issues raised by the Planning Inspectorate in the appeal decision concerning the management of open spaces and drainage courses, insofar as par 72 (Inspector decision) to explain how this was to be achieved (para 99-101) states that a Biodiversity and Landscape Management Plan should include full details of measures required to deliver the long term maintenance of all the areas providing landscape and ecological management and should also address means of public access, including boardwalks in addition to the applicant providing indemnification to the Council for this in perpetuity. In contrast the Landscape Strategy and Drainage in the applicant's Design and Access Statement (DAS) January 2017 (par 62-64) there is no proposal to undertake a management plan as described by the Planning Inspectorate other than reference to the 'preparation' of an Ecological Management Plan.
18. The DAS describes the relation of large areas of grassland – managed positively for biodiversity and water attenuation – and with regard to drainage the use of rills and canals the maintenance of which will be critical to the management of the development in perpetuity. Yet the applicant fails to meet the Planning Inspectorate's minimum requirement to ensure 'high quality' management plan for all landscape and biodiversity.
19. **CLlr Cone** – Objects and makes the following comments: one of the most important concerns regarding the application is the conflicting functions of the open space, please ensure that officers have investigated the workability of the proposed suggestions. This is particularly relevant in relation to the areas being used for water storage/attenuation basins, flora and fauna mitigation and translocation and public open space for recreation and play, there is obviously a conflict this will not work if the boardwalks need to be enclosed in a 1m high fence in an attempt to prevent people (and dogs) from walking/playing on the ground as it will damage the ecology. The idea at present that the areas can be maintained (no matter how much money is thrown at them ) as, in effect, a nature reserve,

while serving the other two functions, is obviously nonsense. I therefore hope that SCDC will stand fast and refuse this further application.

20. **SCDC Drainage** – No objection subject to the conditions advised by the Environment Agency. Please be advised that Land Drainage Byelaws consent will be required from the council before any works on site commence, including a requirement to provide a 5m maintenance strip along the council's award drains and the prior consent of the council will be required for any proposal to increase the rate or volume of flow in the awarded watercourse system.
21. **SCDC Urban Design** – The proposals are generally acceptable, and the designs have not changed from the previous application therefore there is no objection. However, the applicant is advised to enter into a pre-application on any reserved matters scheme and consider the application being referred to the Design and Enabling Panel for comment prior to submission of the scheme.
22. **SCDC Landscape** –Raises no objection as the proposed landscaping infrastructure was considered acceptable by the Inspectorate but still remains unconvinced by the scheme and recommends appropriate conditions which would mitigate the impact of the development on the landscape.
23. **SCDC Trees** – No objection.
24. **SCDC Ecology** Raises no objection as the Inspector held that the ecology matters could be addressed at reserved matters and recommends conditions which mitigate the impact of the development on the ecology of the areas, and recommends a list of conditions.
25. **SCDC Historic Environment** – Two small parts of the site lie within the Fulbourn Conservation Area. No development is proposed for these areas so there will be no harm to the conservation area itself, However the Inspectorate in the appeal did accept that the site made some contribution to the Setting of the Conservation Area. It was deemed that the development resulted in “very minor adverse” impact on the Setting of the Conservation area and therefore a very minor impact on its significant harm. This harm could be further mitigated through the design of the development on site.
26. **Environmental Health (Contamination)** – No contaminated land condition is required.
27. **Environmental Health (Noise)** – No objection subject to imposition of a Grampian style condition/S106 securing a no build zone across part of the site.
28. There are a number of industrial units located to the North West of the application site. These units include Gatewood Joinery and P & R Coachworks which when operational generate a significant amount of noise that also includes noticeable acoustic features (tones, screeches, bangs and crashes).
29. These industrial units have established historical planning uses and planning control does not restrict the hours of operation of the businesses. The operation of these units generate relatively high noise levels which are likely to have a significant adverse effect on the general external noise environment and living conditions including the health and quality of life / living conditions of a proportion of the proposed residential development.

30. It is not possible to mitigate against the industrial noise through technical solutions such as façade design and appropriate site layout to create internal and external living spaces that comply with adopted acoustic standards to be secured via the planning process. For the development to be acceptable from a noise perspective it is necessary for a no build zone to be secured in the area of highest noise along with changes to the site layout or for the noise to be mitigated at source.
31. **SCDC Housing** – The starting point for delivery the affordable housing policy requirement is 40%. The applicant has provided evidence to justify the mix and percentage of affordable units. A viability exercise has been entered into and has confirmed that the scheme can afford 30% affordable
32. **CCC Waste Disposal Authority** – Recommend conditions requiring provision of a site waste management plan and waste audit and construction environmental management plan.
33. **CCC Transport** – Has no objection in principle However, does not agree with the applicants that there is adequate pedestrian/cycle provision within the area and no improvements are required, and the following improvements are sought;
  - Widen the footway onto Hinton Road to facilitate cycle accessibility, improvements to the Hinton Road/Fulbourn Old Drift uncontrolled crossing facilities;
  - Provide drop kerbs facilities at The Maples, Birdfarm Road, The Haven, Haggis Gap and Swifts Corner Junction to ensure accessibility by pedestrians to key facilities;
  - Provide footway links to connect to existing footways in the vicinity
34. The applicant has confirmed that these requirements are necessary and has agreed for them to form part of the accompanying Section 106 legal agreement and this mitigation is now considered acceptable.
35. **CCC Highways Development Control** – The proposed means of vehicular access are acceptable to the local highways authority.
36. **CCC Libraries** – A developer contribution will be sought towards additional stock, information resources and facilitated access to books and materials.
37. **CCC Education** – Developer contributions required.
38. **CCC Archaeology** – No significant archaeology was present in the field evaluation undertaken.
39. **Cambridgeshire Fire and Rescue** – Request adequate provision be made for fire hydrants.
40. **Anglian Water** – (Wastewater) The foul drainage from this development is in the catchment of Teversham Water Recycling Centre that will have available capacity for these flows. (Foul Sewerage Network) The sewerage capacity has available capacity.
41. **Natural England** – No objection – Natural England is satisfied that the proposed development will not damage or destroy the interest features for which Fulbourn Ren and Great Wilbraham Common SSSIs.



42. **Police Architectural liaison Officer** – In general the block design is ideal in terms of Secure by Design.
43. **Sport England** – No comment
44. **Network Rail** – No objection.
45. **Historic England** – The application is in outline form only and therefore it is difficult to assess the full implications. Historic England considers that development within the parameters of the indicative masterplan would have some adverse impact on the character and appearance of the Conservation Area through the loss of the current rural appearance of the area. The extent of the harm would be limited, in particular the 2½ storey dwellings to the edge of the village are not appropriate, the provision of a LEAP on the front part of the site adjacent to the pond and pumping station will sit awkwardly in the historic context. It might be possible to mitigate part of the harm through the layout of the housing, design of the units and landscaping.
46. **Environment Agency** – The applicants are proposing to restrict the surface water run-off to the 1 in 1 Greenfield run off rate for all return periods up to and including the 1 in 100 event for the whole site which is significantly better than the existing run off rate, although it results in a large half drain time for the bioretention ponds. The proposals therefore go beyond our requirements for the mitigation for increases in volumes of surface water.
47. At the detailed design stage we would expect to see a drainage layout and attenuation ponds, soakaways and drainage storage tanks and details of who will adopt and be responsible for future storage.
48. Recommend a condition is imposed requiring the provision of a detailed surface water drainage scheme for the site based on the Flood Risk Assessment produced by Cannon Consulting Engineers.
49. **Cambridge Past, Present and Future** – has not commented on this latest scheme but made the following observations on the earlier application: The SHLAA identified a number of issues with the site relating to noise and odour and drainage. Further to these issues there is already extensive development in the pipeline with the danger the village infrastructure and character will be overwhelmed. The site lies outside the village envelope. The whole of the development area has been recognised as a Local Green Space which is protected by the NPPF.
50. **Fulbourn Forum for Community Action** – Strongly object for reasons to the proposals for the following reasons:
  - Access no detailed information submitted as for illusive purposes only.
  - Reduction to deliver the scheme should not be a the expense of proper consultation
  - Fulbourn Parish Council will not allow access by Poor Well therefore they can't deliver one of the 3 accesses to the site, only a main access and one pedestrian.
  - Concern regarding the emergency access and its potential use.
  - The plans are the same as dismissed on appeal.

- The site has been considered in principle and rejected as unsuitable as part of the draft Local Plan process
- The applicant has failed to show that the access is of sufficient size for this scale of development.
- The applicant has failed to show why Fulbourn should not be re-designated as minor rural centre.
- The applicant shows three uses for the same area (unacceptable)
- The applicant has failed to show how the mandatory provision for Areas of Play can be successfully integrated into the scheme.
- The applicant has failed to show how the complex landscape/nature reserve/water management/public access features of the development can be provided to a high quality.
- The site is outside the village boundary contrary to the development plan
- Fulbourn is to be reclassified as a minor rural centre in the Local Plan limiting new development to no more than 30 dwellings
- The Local Plan proposes to designate the site Local Green Space
- The site is prone to surface water flooding
- The wider village infrastructure will be overwhelmed
- The development does not take account of the new homes planned at The Swifts and Ida Darwin Hospital

51. **Campaign for the Preservation of Rural England** – Object to this application. The site has been identified in the submission Local Plan as Local Green Space. The site is essential to the character of the village. Housing of this scale is not required to meet the 5 year housing land supply obligations due to a memorandum of agreement between SCDC and Cambridge City.

52. **Wildlife Trust** – Object on the grounds of

- The applicant has failed to fully assess all impacts on biodiversity or adequately demonstrate that the proposed development will result in a net gain in biodiversity.
- The application has failed to demonstrate that the proposed mitigation scheme is deliverable.
- The application has failed to demonstrate how this scheme is deliverable and affordable in the long

53. **Representations**

26. representations have been received raising concerns regarding the scheme on the grounds of:

- a) The site has been rejected for development
- b) The site is subject to flooding
- c) Impact of the development on the Conservation Area, the valuable green open spaces and Poor Well.
- d) Impact on wildlife
- e) Impact on fauna and flora
- f) Reduction on affordable housing because it is so difficult to development.
- g) Housing would be unsustainable.
- h) 60 dwelling would have a single lane access which is also used by pedestrians this is a clear recipe for congestion and accidents.
- i) Broadwalks would not be safe for cyclists, disability scooters or prams especially at night.
- j) New potential crossroads is dangerous.
- k) Road could not be adopted

- l) The access across Poor Well, belongs to the Parish Council and the applicant has no legal right to building on it. This could mean the Council would be open to legal challenge.
- m) Too many homes on site
- n) The site is environmentally sensitive and surface water issues make the site costly and difficult leading to a reduction in community and infrastructure contributions and affordable housing.
- o) Character, context and visual impact of the development
- p) Waste management, flooding and sewerage
- q) Noise and odour
- r) Unacceptable effect on the amenities of the area and cumulative impact.
- s) Services such as doctors/surgery and libraries are already under pressure.
- t) Capacity at the schools
- u) Loss of countryside
- v) Submitting this scheme again is bullying they don't need the money
- w) Interruption in view points across the village and not in keeping with the character.
- x) Historic setting of the village will be damaged.
- y) This is a minor rural centre new developments are limited to 30.
- z) This site is not needed by the council to meet its target
- aa) Fulbourn is becoming an unofficial park and ride, there are so many cars.
- bb) Due to the nature of the development and the difficulties of development the developer need to be able to put in place a secure Maintenance Funding Scheme in perpetuity to cover this housing estate which means forever,
- cc) Green spaces have conflicting uses.

### **Planning Assessment**

- 54. The application site is located to the north western edge of Fulbourn and is enclosed by Teversham Road (west), Cow Lane (South), Cox's Drove (East), and the railway line which demarcates the sites northern boundary.
- 55. The site is largely open, with the exception of a number of trees found to the perimeter and within a small ornamental garden (Pumphouse Garden) to the south which abuts Cow Lane. This garden is heavily treed, and subject to a group Preservation Order. The site is generally flat and comprises open grassland with a number of drainage ditches, including the council's award drain, running through it.
- 56. The site is surrounded by residential properties, with the exception of a number of businesses found on Breckenwood Road industrial estate to the north-west and Cox's Drove to the east. Informal walking paths cross the site and are used by the public without consent of the land owner.
- 57. The application seeks outline permission (access only) for the construction of up to 110 dwellings with the matters of layout, scale, appearance and landscaping reserved. The scheme includes opening up the ornamental gardens to the public. 30% of the units are to be affordable at a 50/50 rented to shared ownership split. In terms of mix the open market units include 39% 2 beds, 35% 3 beds and 26% 4 or more beds, with the affordable units, comprising 41% 2 beds, 36% 3 beds and 23% 4 beds.
- 58. The site is located outside the village framework, and the Cambridge Green Belt which is beyond the railway line to the north. The site abuts the Conservation Area which runs along Teversham Road to the south, with the ornamental gardens

(where no housing is proposed) included in this designation. The emerging Local Plan proposes to designate the site a Local Green Space.

### **Principal of Development**

59. The key issues to consider in the determination of this application relate to housing land supply, the principle of the development in the countryside, housing density, housing mix, affordable housing, developer contributions and the impacts of the development upon the character and appearance of the area, heritage assets, flood risk, highway safety, neighbour amenity, biodiversity, trees and landscaping.
60. Fulbourn is identified as Rural Centre under Policy ST/4 of the LDF and Policy S/9 of the emerging Local Plan where there is a reasonable range of services and facilities and residential developments of up to 30 dwellings are supported in policy terms. The erection of a residential development of up to 110 dwellings would exceed the scale of development referred to in Policy ST/4.

### **Housing Land Supply**

61. The National Planning Policy Framework (2012) (NPPF) requires councils to boost significantly the supply of housing and to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
62. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 4.1 year supply based the methodology used 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 assessment of housing delivery (in the housing trajectory March 2017). 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.
63. 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, on the basis of the legal interpretation of "policies for the supply of housing which applied at the time of the Waterbeach decision, were 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).
64. Further guidance as to which policies should be considered as 'relevant policies for the supply of housing' emerged from a 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 and held that the term was 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 in the Council's development plan which have the potential to restrict or affect housing supply were to be considered out of date in respect of the NPPF. The decision of the Court of Appeal tended to confirm the approach taken by the Inspector who determined the Waterbeach appeal. As such,

as a result of the decision of the Court of Appeal, policies including policy ST/5 of the Core Strategy and policies DP1(a) and DP7 of the Development Control Policies DPD fell to be considered as “relevant policies for the supply of housing” for the purposes of NPPF para.49 and therefore “out of date”.

65. However, the decision of the Court of Appeal has since been overturned by the Supreme Court, in its judgement dated 10 May 2017. The principal consequence of the decision of the Supreme Court is to narrow the range of policies which fall to be considered as “relevant policies for the supply of housing” for the purposes of the NPPF. The term “relevant policies for the supply of housing” has been held by the Supreme Court to be limited to “housing supply policies” rather than more being interpreted more broadly so as to include any policies which “affect” the supply of housing, as was held in substance by the Court of Appeal.
66. The effect of the Supreme Court’s judgement is that policies ST/5, DP/1(a) and DP/7 are no longer to be considered as “relevant policies for the supply of housing”. They are therefore not “out of date” by reason of paragraph 49 of the NPPF. None of these adopted policies are “housing supply policies” nor are they policies by which “acceptable housing sites are to be identified”. Rather, together, these policies seek to direct development to sustainable locations. The various dimensions of sustainable development are set out in the Framework at para. 7. It is considered that policies ST/5, DP/1(a) and DP/7, and their objective, individually and collectively, of securing locational sustainability, accord with and further the social and environmental dimensions of sustainable development, and accord therefore with the Framework.
67. However, given that the Council cannot demonstrate currently a five year housing land supply, its “housing supply policies” remain out of date (albeit “housing supply policies” do not now include policies ST/5, DP/1(a) or DP/7). As such, and in accordance with the decision of the Supreme Court, para. 14 of the NPPF is engaged and planning permission for housing development should be granted, inter alia, “unless and adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of [the] Framework taken as a whole ...”.
68. This means that even if policies are considered to be up to date, the absence of a demonstrable five year housing land supply and the benefit, in terms of housing delivery of a proposed residential-let development supply cannot simply be put to one side. The NPPF places very considerable weight on the need to boost significantly the supply of housing, including affordable housing, particularly in the absence of a five year housing land supply. As such, although any conflict with adopted policies ST/4, DP/1(a) and, DP/7 is still capable, in principle, of giving rise to an adverse effect which significantly and demonstrably outweighs the benefit of the proposed development, any such conflict needs to be weighed against the importance of increasing the delivery of housing, particularly in the absence, currently, of a five year housing land supply.
69. A balancing exercise needs therefore to be carried out. As part of that balance, in the absence of a five year housing land supply, considerable weight and importance should be attached to the benefit which a proposal brings in terms of delivery of new homes (including affordable homes). It is only when the conflict with other development plan policies – including, where engaged, ST/4, DP/1(a) and DP/7, which seek to direct development to the most sustainable locations – is so great in the context of a particular application as to “significantly and demonstrably outweigh” the benefit of the proposal in terms of deliver of new

homes, that planning permission should be refused. This approach reflects the decision of the Supreme Court in the *Hopkins Homes* appeal. The National Planning Policy Framework (2012) (NPPF) requires councils to boost significantly the supply of housing and to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.

70. A balancing exercise needs therefore to be carried out. As part of that balance, in the absence of a five year housing land supply, considerable weight and importance should be attached to the benefit which a proposal brings in terms of delivery of new homes (including affordable homes). It is only when the conflict with other development plan policies – including, where engaged, ST/4, DP/1(a) and DP/7, which seek to direct development to the most sustainable locations – is so great in the context of a particular application as to “significantly and demonstrably outweigh” the benefit of the proposal in terms of deliver of new homes, that planning permission should be refused. This approach reflects the decision of the Supreme Court in the *Hopkins Homes* appeal

### **Sustainable Development**

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

#### **Economic Aspects**

72. The provision of 110 dwellings will give rise to significant employment during the construction phase of the development and would have the potential to result in an increase in the use of local services and facilities, both of which will be of benefit to the local economy in the short term.

#### **Social Aspects**

##### *Provision of Housing*

73. The development would provide a significant benefit in helping to meet the current housing shortfall in South Cambridgeshire through the delivery of upto 110 dwelling. This would include 33 affordable dwellings.
74. Chapter 6 of the NPPF relates to ‘delivering a wide choice of high quality homes’ and seeks to ‘*boost significantly the supply of housing*’ placing importance on widening the choice of high quality homes and ensuring sufficient housing (including affordable housing) is provided to meet the needs of present and future generations

##### *Delivery of Housing*

75. The development would provide a benefit in helping to meet the current housing shortfall in South Cambridgeshire through the delivery of up to 110 dwellings. However, the applicant has demonstrated it is likely all of the units will be delivered within 5 years from the date of the outline consent and as such the proposal will make a notable contribution towards delivery of the councils housing targets.

#### **Scale of Development, Cumulative Impact and Services**

76. This proposal for up to 110 dwellings. Given the current lack of a 5 year housing land supply, it therefore needs to be determined whether the scale of the development is acceptable for this location in terms of the size of the village and the sustainability of the location
77. The development would provide a clear public benefit in meeting the current housing shortfall in South Cambridgeshire through delivering up to 110 residential dwellings within 5 years from the date of granting outline approval, and officers are of the view significant weight should be afforded this benefit in the decision making process.
78. Members should note, there is an application on the agenda for Ida Darwin for an construction of 203 dwellings which is an allocated site the cumulative impact of both development would not result in significant harm to the to the road network or the amenities within the area. The modelling on the road network was carried out in the knowledge of allocated sites, and the Ida Darwin application has been under consideration for sometime. In addition the legal agreement associated with the application provides mitigation for this development in accordance with the existing policy framework.

#### Mix

79. Adopted policy requires a housing mix of at least 40% homes to be 1 and 2 bedrooms, and approximately 25% 3 and 4 bedrooms respectively, unless it can be demonstrated that local circumstances suggest a different mix would be better to meet local needs..

#### Affordable Units

80. Adopted policy requires 40% affordable housing subject to particular costs associated with the development. The planning application was supported by a development viability appraisal indicates that 30% affordable housing (50/50 rented to shared ownership) is viable and would be secured with a section 106 package in the region of £980,000. Although there remain some areas of dispute between the applicant and Council, officers consider the level of affordable housing to be acceptable.
81. As such the development is compliant with the council's policy on affordable housing, which recognises the need to take into account 'viability' in ensuring new development is deliverable.

#### Services and facilities

82. Fulbourn is served by a co-operative supermarket, butchers, green grocers, chemist, take away, hairdressers, beauty salon, café and three Public Houses. In addition the village has a children's nursery, primary school, library, church, village hall, health centre, community centre, tennis court and all weather sports area. Furthermore a Tesco Superstore is located a short distance (circa 3km) from the site, outside the parish boundary.
83. In terms of secondary education Fulbourn is served by Bottisham Village College, located circa 3km from the site to the other side of the A14. A bus service is provided for pupils residing in Fulbourn to attend this school.

84. Good access to employment opportunities exist with Cambridge city centre and the Science Park both circa 8km from the site.
85. In terms of health provision the NHS target ratio of GP to patient is 1:1800. For both Fulbourn Health Centre and Cherry Hinton Medical Centre, this is exceeded with ratios of 1:1839 and 1:2562. Cherry Hinton Surgery and Cornford House Surgery have available capacity and are within easy access. The closest dental practice with capacity for new patients is The Gables located on Cherry Hinton Road, circa 4km from the site.
86. Although the emerging Local Plan seeks to reclassify Fulbourn as a Minor Rural Centre (from the current designation as a Rural Centre) it is considered there is sufficient level of services and facilities in the village to cater for the needs arising from the development.

### Transport

87. One of the core principles of the NPPF is to '*actively manage patterns of growth to make the fullest possible use of public transport*'. Chapter 4 relates to 'Promoting sustainable transport' and advises '*the transport system needs to be balanced in favour of sustainable transport modes*', however '*different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas*'. In summary the NPPF seeks to promote sustainable transport solutions, whilst recognising the difficulty of achieving this in rural areas.
88. Fulbourn is served by CITI buses 1 and 3 which run a service every 20 minutes including evenings and weekends to Cambridge city centre with a journey taking approximately 30min. Further services include Stagecoach 16 and 17 linking Fulbourn to Haverhill and Newmarket. The closest bus stop is located on Teversham Road, adjacent the site. Officers are of the view the site is well served by public transport.
89. No concerns are raised by the county council in respect of highway safety, however improvements are sought to the pedestrian/cycle network in the area. The applicant is willing to fund these works, and has agreed this will impact on the viability of the scheme further but will not reduce the level of affordable housing provision.
90. Officers are of the view that further improvements to the pedestrian/cycle network would be of public benefit and are secured within the Section 106 legal agreement.

### **Environmental**

#### Local Green Space

91. The NPPF has created a designation called 'Local Green Space,' which is for green areas of particular importance to local communities and which once designated can prevent new development other than in very special circumstances.
92. The site is proposed to be designated a 'Local Green Space' under the emerging Local Plan, where the scheme would conflict with policy NH/12 which seeks to



protect such sites from development which would adversely impact on the character and particular local significance, as would be the case here.

93. The Local Plan is not adopted and as such the site is not currently subject to this designation. Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater the weight that may be given.
94. Given the Inspectorates interim findings on the Local Plan the emerging policy is not at an advanced stage, and taking into account the unresolved objections to this designation this significantly tempers the weight which can be afforded emerging policy NH/12. Officers are of the view limited weight can be given to the emerging Local Green Space designation.

#### Landscape character

95. The site is located to the northern edge of the village and is enclosed to three sides by development with the railway line demarcating the northern boundary and separating the site from the open countryside beyond.
96. The council's landscape officer describes the site as having a '*rural character, a green village edge with views through to a mature area of meadow, hedges and areas of woodland*', and although enclosed is fairly permeable with views from Cox's Drove and Teversham Road. Both the east and west frontages feature mature trees and hedgerows, with filtered and clear views of the meadows which are divided by a mature hedgerow and stream running south to north. The southern boundary has more of a village edge character, retains a green frontage, and features two areas (The Pumhouse garden and Poorwell Water) of open space which connect to and offer views through to the site.
97. Officers are of the view, taking into account the land parcel is almost fully enclosed by development, and notwithstanding the site is an attractive green space which extends into the village the extent of harm to the landscape character is 'less than substantial'. This view was supported by the earlier appeal decision on this site.

#### Green Belt

98. The site is separated from the Cambridge Green Belt by the railway line, which provides a physical barrier between Fulbourn village and the designated land to the north. Officers are of the view this clear separation prevents any harm to the openness of the Green Belt.

#### Ecology

99. The NPPF advises the planning system should contribute to and enhance the natural and local environment by, amongst other criteria, minimising the impacts on biodiversity and contributing to the Governments commitment to halt the overall decline in biodiversity. Paragraph 113 advises '*distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to*

*their importance and contribution they make to the ecological network'.*

Paragraph 118 advises development resulting in significant harm should be refused.

100. The councils ecologist advises the site is not of county wildlife site quality but is of 'local district/parish level' importance primarily due to the range of species found on the grasslands. These species include Early Marsh Orchid, Common Spotted Orchid, Adders Tongue and Yellow Rattle. Additionally the mature hedgerows provide habitats for a wide range of bird species and other fauna including some species of conservation importance.
101. The indicative layout plan shows the retention of the mature hedgerow and buffer areas around as well as a central green corridor, but previously did not address the protection of the grassland habitat, this has now been addressed in this later application.
102. The application is in outline form and consent is not sought for the layout. The proposal is accompanied by a drainage plan which demonstrates how the site is to be drained of surface water, with this plan indicating engineering operations within the area of high value grassland. No evidence has been supplied demonstrating how these engineering works, necessary to drain the site of surface water, can be achieved without impacting on the grassland. Officers are of the view the loss of this grassland, without appropriate compensation/mitigation, would result in substantial harm to ecological interests however, the Inspectorate resolved that this issue could be addressed by the imposition of conditions, which form part of this application and therefore can mitigate any loss.
103. In respect of the impact higher tier ecological sites, Natural England advice the sites proximity to Fulbourn Fen and Great Wilbraham Common SSSI will not damage or destroy the interest features for which these sites have been notified, and this does not represent a constraint in determining this application.
104. The development has been screened under the Environmental Impact Assessment Regulations and found not to constitute EIA development.

#### Noise

105. There are a number of industrial units which adjoin the site to the north-west, including Gatewood Joinery and P & R Coachworks which when operational generate significant levels of noise that includes noticeable acoustic features (tones, screeches, bangs and crashes). These industrial units have established historical planning uses and planning control does not restrict the hours of operation.
106. The environmental health officer advises the operation of these units generates noise levels which are likely to have an unacceptable adverse effect on the general external noise environment and living conditions including the health and quality of life / living conditions of the residential units located closest to the industrial units. It is possible to adequately address this through appropriate mitigation measures at source, however this is outside the control of the applicant.
107. Subject to securing a 'no build zone' preventing new residential development within a defined area where noise levels are unacceptable (which can be secured through the S106) the development provides an acceptable impact on future resident's amenity.

108. Should the applicant be in a position to address these noise concerns this would allow the development to be built out in full (110 dwellings), however failing this the 'no build zone' will be maintained in its current state (can be controlled by condition).

### Trees

109. Permission is sought for access only and the tree officer agrees it is possible to design a scheme without impacting on existing mature trees which tend to be located to the perimeter. No major works are proposed within the area subject to the Preservation Order.

### Heritage assets

110. Fulbourn Conservation Area extends along part of the southern boundary and includes the ornamental gardens.
111. English Heritage advise that development within the parameters of the indicative masterplan would have some adverse impact on the character and appearance of the Conservation Area through the loss of the current rural appearance of the area and consider the extent of the harm 'limited'.
112. Chapter 12 of the NPPF relates to Conserving and Enhancing the historic environment where paragraph 132 advises that when considering the impact on the significance of a heritage asset, great weight should be given to the assets conservation. The NPPF goes on to advise that where a proposal will lead to 'less than substantial harm' to the significance of a designated asset this harm should be weighed against the public benefits of the proposal.
113. Further concerns are expressed by English Heritage over the 2½ storey height of the dwellings to the edge of the village and provision of a LEAP on the front part of the site adjacent the pond and pumping station. As the application is in outline form these matters are not fixed and would be assessed at reserved matters stage.
114. Other designated heritage assets in the vicinity include the grade II listed 29 Hinton Road and 28 Cow Lane, which are both sufficiently separated from the site to ensure their setting is not harmed. Non-designated heritage assets identified include the Pumping Station (Cow Lane), Gate Lodge (Teversham Road) and Bakers Arm Public House (Hinton Road), none of whose setting will be compromised by the development.

### Archaeology

115. A field evaluation has been undertaken and no constraints with regards to archaeology have been identified.

### Flood Risk and Surface Water Drainage

116. The applicants are proposing to restrict surface water run-off to the 1 in 1 Greenfield run off rate for all return periods up to and including the 1 in 100 event for the whole site which the Environment Agency advice is significantly better than the existing run off rate. This is to be achieved through constructing a number of attenuation ponds which in turn drain into the councils award drains and off the

site. Neither the agency nor councils drainage manager oppose the scheme subject to conditions

117. A number of representations draw attention to the site being 'wet' as evidenced in the photographs received. The site is liable to surface water flooding, however appropriate mitigation is being proposed to address this.

### **Other considerations**

118. The development is not considered to result in a risk of contamination, providing a condition is attached to any consent to control any contamination identified during the development.
119. Concerns relating to providing sufficient fire hydrants can be secured by condition.
120. Anglian Water has confirmed there is sufficient capacity for foul drainage in the catchment of Teversham Water recycling Centre, with the sewerage system having available capacity for these flows. There is available capacity to cope with wastewater treatment; a condition would be attached to any consent to ensure an appropriate method of foul water drainage.
121. The application does not include any employment land uses. This is considered acceptable given that it is not a policy requirement.
122. Site notices were posted on site on 13 February 2017 and a further 4 put up on the 15 March 2017. In addition the application was advertised in a local newspaper on the 14 February 2017 as a Development that does not accord with the Development Plan and affecting the Setting of a Listed Building. This was in accordance with the Town and Country Planning (Procedures) (England) Order and therefore have been adequately publicised in accordance with the Order.

### **Local representations**

123. There is strong local opposition to the development, a significant number of representations received. Much of this correspondence supports the views of Fulbourn Forum whose objection is focussed on the status of the emerging Local Plan, housing targets, lack of affordable housing difficulties of the site and existing planned development.
124. Residents are concerned regarding the implementation of the "Broadwalk" link to the wider area, from Poor Well, the applicant has confirmed that the link is not essential to the development within the site, but was an option put forward to be able to create better linkages to the wider open space, but can be removed/amended should the community feel is in not necessary or inappropriate.

### **Contributions**

125. Contributions will be sought for pre-primary school £231 000, pre-primary school £323 400, Secondary school £343 750, Libraries £7636.88, strategic waste £20 900 and Household bins £69.50 per dwelling, along with an appropriate monitoring fee.
126. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Development Control Policies DPD July 2007

requires that “All residential developments will be required to contribute towards Outdoor Playing Space (including children’s play space and formal outdoor sports facilities) and Informal Open Space to meet the additional need generated by the development in accordance with the standards in Policy SF/11”. Further the Council has historically secured contributions from single dwelling developments towards indoor community space via Development Control Policies DPD DP/4.

127. The recreation and open space study 2013 identified that Fulbourn experiences a deficit in both sports space, play space and informal open space. Fulbourn is also considered to have an identified shortfall in indoor community space.
128. CIL Regulation 123 effectively says that where there are section 106 agreements in place for more than five S106 contributions after April 2010 for a project or type of infrastructure, from April 2015 or the date CIL is adopted if earlier, a Local Planning Authority will not be able to collect any more contributions for that purpose. Officers can confirm that there have been more than five s106 agreements signed for development in Fulbourn to secure generic offsite contributions towards ‘open space’ and ‘indoor community space’.
129. There has been debate about the exact meaning of ‘infrastructure projects or types of infrastructure’ (CIL Reg 123) and legal advice has been sought by some authorities. Whilst there are as yet no case law or appeal decisions which gives guidance on the subject, what is certain is that requests for s106 funding must now be towards a specific project to be considered lawful.
130. During the course of the planning application the Parish Council were advised and later reminded about this issue, and invited to submit details of (i) qualifying schemes (considered necessary to mitigate the impact of the development) and (ii) costs associated with those schemes.
131. Although Development Control Policies require contributions towards offsite open space and (where necessary) indoor community space the application of these policies are impeded by the CIL Regulations. If a qualifying scheme had been identified, which was unable to be funded on the grounds of viability, then this may have constituted a further reason for refusal. However in the absence of such a scheme coming forward officers have been unable to make this assessment.

## **Conclusions**

132. In determining planning applications for new housing development where the Council does not have an up-to-date 5 year housing land supply, the balancing exercise is skewed in favour of granting permission, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
133. The NPPF states there are three dimensions to sustainable development: economic, social and environmental and that these roles should not be undertaken in isolation because they are mutually dependant, and to achieve sustainable development gains should be achieved jointly and simultaneously.
134. There are economic benefits associated with the scheme. Likewise there are clear social benefits through the delivery of up to 110 much needed houses, including a percentage of affordable housing which has been justified on grounds of viability in

accordance with the adopted policy requirements, and which the applicant has demonstrated can be delivered within 5 years from the date of outline consent being granted. These considerations weigh in favour of the development.

135. The environmental implications are more ambiguous, and there will be some adverse impact on the landscape character, setting of the adjoining Conservation Area, as well as harm to ecological interests, but these have been assessed and determined by the Inspectorate to be of "less than substantial harm" and therefore on balance the delivery of housing under para.14 of the NPPF has greater weight.
136. The application is in outline form with consent only sought for access, and therefore the site layout and landscape details are not subject to consideration. Officers are of the view the development will result in harm to the landscape character, but taking into account the screening offered by the surrounding built form and introduction of appropriate landscaping (which would be assessed at reserved matters stage), the extent of this harm is limited. Similarly, the development of this site will impact adversely on the setting of Fulbourn Conservation Area but the extent of harm is not 'less than significant', and can partly be mitigated through the site layout and landscape details.
137. The adverse effect on ecological interests is more pronounced with the development harmful to a site of local biodiversity importance. However, the developer has now proven that he has a mechanism to address these concerns necessary to mitigate surface water drainage and that the scheme can be delivered without impacting adversely on the sites ecological value. As such the proposal is not likely to result in demonstrable and significant harm to nature conservation interests.
138. Officers are of the view, on balance, the identified collective harm to the landscape character, setting of Fulbourn Conservation Area and ecological interests significantly and demonstrably outweigh the benefits that include delivering up to 110 dwellings (30% of which will be affordable) in a village with a range of services and facilities.
139. The benefits of this development are considered to significantly and demonstrably outweigh the adverse impacts of the development, when assessed against the policies in the NPPF taken as a whole, which aim to boost significantly the supply of housing and which establish a presumption in favour of sustainable development in the context of the lack of a 5-year housing land supply. It is considered that the application overcomes earlier reasons for refusal (S/2273/14/OL) in terms of ecology and landscape impact, therefore that planning permission should therefore be granted

### **Recommendation**

140. It is recommended that the Planning Committee grants officers delegated powers to approve the application subject to the following:
  1. Approval of the details of the layout of the site, including the scale and location of public open spaces and play areas, the scale and appearance of buildings, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline only.)

2. Application for the approval of the reserved matters shall be submitted to the Local Planning Authority before the expiration of two years from the date of this permission.  
(Reason - The application is in outline only.)
3. The development hereby permitted shall begin not later than the expiration of one year from the date of approval of the last of the reserved matters to be approved.  
(Reason - The application is in outline only.)
4. The development hereby permitted shall be carried out in accordance with the following approved plans: M02 rev C – Site Plan; M06 rev E – Parameters Plan; P2 – 50m Exclusion Zone B; B411/008 Rev 1 – Cox’s Drove Emergency Vehicle Access; and B411/SK/09 Rev 2 – Indicative Full Right Turn.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
5. Notwithstanding the submitted indicative layout, details of the mix of housing (including both market and affordable housing) shall submitted with any reserved matters application for housing.  
(Reason: To ensure an appropriate mix of housing in accordance with policy HG/2 of the adopted South Cambridgeshire Development Control Policies DPD.)
6. Detailed plans and particulars of the reserved matters pursuant to condition 1 above shall be in general accordance with the illustrative layout (Drawing number 'M03 Rev C'), subject to taking into account the 50m noise exclusion zone as identified on drawing number 'P2'. The development shall be carried out in accordance with the approved details and retained as such.  
(Reason - The application is in outline only.)
7. Prior to the commencement of the development full details of the tree protection measures for all trees and hedges to be retained shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be set out in a detailed Arboricultural Method Statement to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing and underground services proposed within the root protection areas, all to be in accordance with the British Standard for Trees in Relation to Construction 5380 2000, and the monitoring of tree protection measures during construction. All tree protective measures shall be carried out as set out in the approved Arboricultural Method Statement.  
(Reason: To protect the visual amenity of the area in accordance with policies).
8. Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) CCE/B411/FRA-03 September 2014 by Cannon Consulting Engineers has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details of the long term ownership/adoption of the surface water drainage system and maintenance of the same. The scheme shall be constructed and completed in accordance with the approved plans and implementation programme agreed in writing with the Local Planning Authority.  
(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

9. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development, or in accordance with the implementation programme agreed in writing with the Local Planning Authority.  
(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/9 of the adopted Local Development Framework 2007.)
10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval for the remediation strategy from the Local Planning Authority. The remediation strategy shall be implemented as approved.  
(Reason - To prevent the risk of contamination to the water environment.)
11. Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.  
(Reason - To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
12. No development shall commence until a landscape and biodiversity management plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of the landscape and ecological management objectives for the site, including but not limited to, the following points:  
  
An audit of proposed retained areas and an assessment of the existing site habitats to be retained, lost and created.
  - ii. The retention of areas of grassland supporting flora of local importance in-situ
  - iii. The management and protection measures for all retained habitats and species, including early marsh orchids, to prevent damage during construction.
  - iv. A habitat restoration scheme for the chalk stream.
  - v. The management of the surrounding tree belts and hedgerows, particularly with regard retaining dark flight corridors for bats.
  - vi. The management of ponds
  - vii. The management of grassland habitats
  - viii. The restoration and maintenance of the ornamental garden
  - ix. A reptile mitigation strategy
  - x. The preparation of a work schedule
  - xi. The frequency for the monitoring of habitats and notable species and means of reporting the findings to the LPA over a ten year period.



The plan shall include full details of measures required to deliver the long term maintenance of the all areas providing landscape and ecological management. The measures shall also address means of public access (including boardwalks). The landscape and biodiversity management plan shall be implemented upon establishment/restoration of any landscape and ecological feature, and thereafter in accordance with it.

(Reason - To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

13. Prior to the commencement of any development, ground works and/or vegetation removal a repeat survey shall be undertaken for badgers. The findings of the badger survey shall be provided to the LPA for written approval prior to any development commencing.

(Reason - To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

14. No development shall take place until full details of a Scheme of Grassland Mitigation and Translocation has been submitted to and approved in writing by the Local Planning Authority. These measures shall include (but shall not be limited to):
  - i. Botanical surveys to be undertaken in order to determine the distribution and densities of important grassland species plotted using GPS and presented on a plan.
  - ii. The Scheme's aims and objectives.
  - iii. The evaluation of the ecological, hydrological and geological requirements of the important grassland species.
  - iv. The selection of suitable receptor sites.
  - v. A method statement for the grassland removal.
  - vi. The location of works and/or measures required to successfully implement the translocation.
  - vii. Full details of long-term management and ownership of the receptor sites.
  - viii. Details of the persons responsible for the implementation of the Scheme.
  - ix. A timeframe for the Scheme's implementation.
  - x. Measures for the monitoring of the Scheme for a minimum period of twenty five.

The agreed mitigation and translocation scheme shall be carried out as approved and the site managed thereafter in accordance with it

(Reason - To mitigate ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

15. No development shall take place until a scheme for the provision and location of fire hydrants to serve the development has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.

(Reason - To ensure an adequate water supply is available for emergency use.)

16. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the local planning authority for that development, hereby permitted. The CEMP shall accord and give effect to the waste management principles set out in the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy. The CEMP shall address the following aspects of construction:

- i. A construction programme;
  - ii. Contractor's access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with the location of parking for contractors and construction workers;
  - iii. Construction hours;
  - iv. Delivery times for construction purposes;
  - v. Soil Management Strategy including a method statement for the stripping of top soil for re-use; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883:2007;
  - vi. Noise monitoring method including location, duration, frequency and reporting of results to the Local Planning Authority in accordance with the provisions of BS 5228 (1997);
  - vii. A construction noise impact assessment and a report/method statement detailing predicted construction noise and vibration levels at noise sensitive premises, and consideration of mitigation measures to be undertaken to protect local residents from construction noise and/or vibration. Potential construction noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228:2009+A1:2014: 'Code of practice for noise and vibration control on construction and open sites - Part 1: Noise and Part 2: Vibration.
  - viii. A programme of measures to minimise the spread of airborne dust (including consideration of wheel washing and dust suppression provisions) from the site during the construction period or relevant phase of development.
  - ix. Site lighting during construction;
  - x. Drainage control measures including the use of settling tanks, oil interceptors and bunds;
  - xi. Screening and hoarding details;
  - xii. Access and protection arrangements around the site for pedestrians, cyclists and other road users;
  - xiii. Procedures for interference with public highways (including rights of way), permanent and temporary realignment, diversions and road closures;
  - xiv. External safety and information signing and notices;
  - xv. Liaison, consultation and publicity arrangements including dedicated points of contact;
  - xvi. Consideration of sensitive receptors;
  - xvii. Prior notice of agreement of procedures for works outside agreed limits;
  - xviii. Complaints procedures, including complaints response procedures;
  - xix. Location of Contractors compound and method of moving materials, plant and equipment around the site.

The CEMP shall be implemented in accordance with the agreed details. (Reason - To ensure the environmental impact of the construction of the development is adequately mitigated and in the interests of the amenity of nearby residents/occupiers in accordance with the aims of Policies DP/3, DP/6

and NE/15 of the South Cambridgeshire Local Development Framework Development Control Policies 2007, and to comply with the Guidance for Local Planning Authorities on Implementing Planning Requirements for the European Union waste Framework Directive (32008/98/EC), Department for Communities and Local Government, December 2012.)

17. Prior to the commencement of development a full Site Waste Management Plan and Waste Audit shall be submitted in writing and approved by the Local Planning Authority. These shall include details of:
  - i. Construction waste infrastructure dealing with how inert waste arisings will be managed/recycled during the construction process;
  - ii. Anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste;
  - iii. Measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site;
  - iv. Any other steps to ensure the minimisation of waste during construction;
  - v. The location and timing of provision of facilities pursuant to criteria i), ii), iii) and iv Proposed monitoring and timing of submission of monitoring reports;
  - vi. The proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction;
  - vii. A RECAP Waste Management Guide toolkit, including a contributions assessment, shall be completed with supporting reference material;Proposals for the management of municipal waste generated during the construction phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles is required.

(Reason - To ensure that waste arising from the development is minimised and that which is produced is handled in such a way that it maximises opportunities for re-use and recycling in accordance with Policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011), and Policy DP/6 of the South Cambridgeshire Local Development Framework Development Control Policies DPD (2007)
18. Prior to the commencement of the development an artificial lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting, security/residential lighting and an assessment of impact on any sensitive residential premises on and off site, shall be submitted to and approved in writing by the local planning authority. The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details/ measures.

(Reason: To protect local residents from light pollution/ nuisance and protect/ safeguard the amenities of nearby residential properties in accordance with NE/14 Lighting Proposals.)
19. Concurrently with any reserved matters application and prior to commencement of development a noise mitigation/ insulation scheme to protect occupants externally and internally from rail noise to the north and noise emanating from the Breckenwood Industrial Estate to the north west, shall be submitted to and approved in writing by the local planning authority. The noise insulation scheme shall have regard to site layout/orientation, internal room configuration, building fabric and glazing acoustic performance and adequate provision of rapid ventilation for thermal comfort or similar and

shall demonstrate that the external and internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings"(or as superseded) shall be achieved. If the internal noise levels recommended in BS 8233 cannot be achieved with partially open windows/ doors, then any scheme shall have particular regard to alternative forms of rapid/ purging ventilation such as mechanical or passive acoustic vents to facilitate ventilation/ thermal comfort cooling. The scheme as approved shall be fully implemented before the residential use hereby permitted is occupied and shall be retained thereafter.

(Reason: To ensure that sufficient noise mitigation/ attenuation is provided to all residential properties to protect occupiers externally and internally from the impact of rail and industrial noise and to safeguard the health, amenity and quality of life of future residents in accordance with paragraphs 109 and 123 of the NPPF and Policy NE/15 Noise Pollution of the adopted LDF 2007.

20. No dwellings or private gardens shall be sited within the residential no build/ exclusion zone as detailed on the Barton Willmore drawing 'Land at Teversham Road, Fulbourn Project, Drawing title: 50m Exclusion Zone B, dated 1st April 2014, Project No. 22403' unless and until a detailed noise mitigation strategy and/ or detailed insulation scheme to address the off-site operational noise of the Breckenwood Industrial Estate, has been submitted to and approved in writing by the Local Planning Authority. Occupation of any dwelling within the identified exclusion zone shall not take place until those works have been completed in accordance with the approved details and post installation acoustic/ noise testing to demonstrate effectiveness of the works have been certified as complete and approved in writing by the local planning authority. The scheme/ strategy shall be maintained thereafter, so far as is required.

(Reason: To ensure that sufficient noise mitigation/ attenuation is provided to all residential properties to protect occupiers externally and internally from the impact of industrial noise and to safeguard the health, amenity and quality of life of future residents in accordance with paragraphs 109 and 123 of the NPPF and Policy NE/15 Noise Pollution of the adopted LDF 2007.)

21. No demolition or construction works shall commence on site until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The principal areas of concern that should be addressed are:

- i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway);
- ii. Contractor parking should be within the curtilage of the site and not on street;
- iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway);
- iv. Control of dust, mud and debris.

(Reason - In the interests of highway safety.)

22. The dwellings shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority for that use. The Plan shall be implemented in accordance with the approved details.

(Reason - To reduce car dependency and to promote alternative modes of travel in accordance with Policy TR/3 of the adopted Local Development Framework 2007.)

23. The occupation of any particular dwelling hereby permitted, shall not commence until appropriate car parking, and covered and secure cycle parking has been provided within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The car parking and cycle parking shall thereafter be implemented and maintained in accordance with the approved details.  
(Reason - To ensure the provision of covered and secure cycle parking in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)
24. The main site access and emergency access, as shown on drawing nos: M06 E; B411/SK/09 Rev 2; B411/008 Rev 1 shall be constructed so that its falls and levels are such that no surface water from the site drains across or onto the public highway.  
(Reason – for the safe and effective operation of the highway in accordance with Policy DP/3 of the adopted Local Development Framework 2007).
25. The proposed main site access and emergency access, as shown on drawing nos: M06 E; B411/SK/09 Rev 2; B411/008 Rev 1, shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.  
(Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007).
26. No development shall commence until the following off site highways improvement works have been submitted to and approved in writing by the Local Planning Authority.. Provide footway links to connect the existing footways in the vicinity of the site with closest bus stops to the site.  
ii. Widening of the Footway/ cycleway on Hinton Road to facilitate cycle accessibility to the wider Cambridge cycle network.  
iii. Improvements to the Hinton Road/ Fulbourn Old Drift uncontrolled crossing facilities.  
iv. Provide drop kerb facilities on The Maples, Birdfarm Road, The Haven, Haggis Gap and Swifts Corner junctions to ensure accessibility by pedestrians to key facilities in Fulbourn including the primary school.  
The development shall be carried out in accordance with the approved details  
(Reason – for the safe and effective operation of the highway in accordance with Policy DP/3 of the adopted Local Development Framework 2007)
27. No development shall take place until a scheme for the provision of on-site renewable energy to meet 10% of the projected energy requirements of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.  
(Reason - To ensure an energy efficient and sustainable development in accordance with the details submitted with the application and to meet the aims of Policies NE/1 and NE/3 of the adopted Local Development Framework 2007.)
28. Notwithstanding the particulars shown on the parameters plan, the numbers of storeys and the height of the eaves and ridge above AOD of any built development hereby approved shall be determined through Reserved Matters applications.  
(Reason - In the interests of residential/visual amenity, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

## Informative

1. It is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.

Section 106 legal agreement (Appendix 3 to cover the following).

## Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework  
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007  
<http://www.scambs.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013  
<http://www.scambs.gov.uk/localplan>

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