

Case No: 17/00108/OUT – REFUSED PLANNING PERMISSION AT OCTOBER 2017 COMMITTEE – APPEAL NOW LODGED REF. APP/H0520/W/18/3200754

Proposal: DEVELOPMENT OF UP TO 199 DWELLINGS AND 6,970 SQ. METRES (75,000 SQ. FT) OF CLASS B1 BUSINESS PREMISES WITH OPEN SPACE, NEW ACCESSES FROM THE GREAT NORTH ROAD, ROADS AND ASSOCIATED INFRASTRUCTURE.

Location: PART OF LAND AT RIVERSFIELD GREAT NORTH ROAD LITTLE PAXTON

Applicant: MR D H BARFORD AND MR S HUTCHINSON

Grid Ref: 518171 261907

Date of Registration: 18.01.2017

Parish: LITTLE PAXTON

RECOMMENDATION:

That the Committee reviews the LPA's case in light of the advice in this report and confirms its intentions with regard to the defence of the refusal of planning permission, having regard to this advice, at the forthcoming Appeal to be conducted by Public Inquiry.

- 1.1 This application was refused planning permission by the Committee at the October 2017 meeting, contrary to the recommendation of Planning Officers. The summarised reasons for refusal are listed below:
- (i) The Council has identified sustainable locations for housing in the District to meet the identified housing need and can demonstrate a 5 year supply of housing land with a 20% buffer. This application is a departure from the development plan in that it proposes to locate residential development outside of the built up area of Little Paxton and in the countryside; on land that is committed for employment development. There is no substantive evidence to demonstrate there is not a reasonable prospect of this employment development coming forward and the application proposal would therefore result in the unjustified loss of employment land and consequent loss of significant economic benefits to the area. For these reasons, the application development is not sustainable and the proposal is contrary to policies En17 and H23 of the Huntingdonshire Local Plan 1995, policies CS1, CS3 and CS7 of the Huntingdonshire Core Strategy 2009, policies LP1, LP5 and LP8 of the Huntingdonshire Draft Local Plan to 2036: Consultation Draft 2017, and there are no material considerations that indicate the application should be approved as a departure from the development plan.
 - (ii) Policy CS10 of the Huntingdonshire Core Strategy 2009 and the Huntingdonshire Developer Contributions SPD 2011 states that development proposals will be expected to provide or contribute

towards the cost of providing appropriate infrastructure. This application is a departure from the development plan and it is not certain that the application development will make a contribution to education provision to mitigate against the demand it would place on education infrastructure, contrary to policy CS10 of the Huntingdonshire Core Strategy 2009, and draft policy LP3 of the Huntingdonshire Draft Local Plan to 2036: Consultation Draft 2017.

- 1.2 The Applicants have lodged an appeal with the Planning Inspectorate (PINS) and this appeal will be conducted by Public Inquiry at a future date to be agreed between the parties. PINS has chosen a Public Inquiry because housing land supply issues are *“more likely to be suitable to be dealt with at an Inquiry as they generally warrant cross examination and, where appropriate, legal submissions”*.
- 1.3 Early estimates suggest a 5-6 day Public Inquiry extending across two working weeks as Inquiries do not sit on Mondays.
- 1.4 The Start Date for the appeal was 22 May 2018 and the appeal timetable sets a provisional deadline of 3 July 2018 for submission of the Council’s Statement of Case (SoC). Interested parties have been notified of the Appeal.
- 1.5 The Planning Practice Guidance (Paragraph: 049 Reference ID: 16-049-20140306) advises Local Planning Authorities to *“review cases promptly following the lodging of an appeal as part of sensible on-going case management”*. The Practice Guide advises that LPAs are at risk of an award of costs if they do not undertake a prompt case review following the lodging of an appeal.
- 1.6 Consequently, the aim of this report is to advise and assist the Committee in reviewing the LPA’s case as part of the proactive preparation for this appeal, and to demonstrate that it has adhered to the Planning Practice Guidance referred to above.
- 1.7 This report has two primary objectives to achieve this aim:
 - (i) advise the Committee of the changes in planning policy and other circumstances that have happened in the intervening months between the refusal of planning permission and the lodging of the appeal on 22 May, and which are material to the reasons for refusing to grant planning permission.
 - (ii) advise the Committee on the weight to be given to material changes in planning policy and circumstances, and their bearing on the LPA’s case.
- 1.8 A review of the case may lead the Committee to:
 - (i) defend all reasons for refusal to grant planning permission, or;
 - (ii) defend specific reasons for refusal and no others, or;
 - (iii) decline to defend all reasons for refusal on the basis of the material changes in circumstances.

1.9 It is expected that members of the Committee will present the LPA's evidence at the Public Inquiry.

2. NATIONAL GUIDANCE

2.1 The National Planning Policy Framework (2012) sets out the three dimensions to sustainable development - an economic role, a social role and an environmental role - and outlines the presumption in favour of sustainable development. Under the heading of Delivering Sustainable Development, the Framework sets out the Government's planning policies for : building a strong, competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; promoting sustainable transport; supporting high quality communications infrastructure; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; protecting Green Belt land; meeting the challenge of climate change, flooding and coastal change; conserving and enhancing the natural environment; conserving and enhancing the historic environment; and facilitating the sustainable use of minerals.

2.2 Planning Practice Guidance is also relevant.

For full details visit the government website

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

3. PLANNING POLICIES

Development Plan:

3.1 The Reasons for Refusal record conflict with the following saved policies from the Huntingdonshire Local Plan (1995):

- H23: "Presumption against housing development outside environmental limits".
- En17: "Development in the countryside"

The land is identified as a major employment commitment on the Inset Map for St Neots (north section).

3.2 The Reasons for Refusal record conflict with the following policies from the Huntingdonshire Local Development Framework Core Strategy (2009):

- CS1: "Sustainable development in Huntingdonshire"
- CS3: "Settlement Hierarchy"
- CS7: "Employment Land"
- CS10: "Contributions to Infrastructure Requirements" Adopted

Draft planning policy:

3.3 The Reasons for Refusal on the decision notice record conflict with the following policies in Huntingdonshire's Local Plan to 2036: Consultation Draft 2017

- LP1: "Strategy and principles for development".
- LP3: "Contributing to Infrastructure Delivery".
- LP5: "Spatial Planning Areas".

- LP8: “The Countryside”.
- 3.4 This 2017 Consultation Draft is no longer the most up to date version of the draft Local Plan. The Huntingdonshire Local Plan to 2036: Proposed Submission 2017 (as amended March 2018 for submission) replaces all previous versions and was submitted for examination on the 29th March 2018.
- 3.5 The following policies in the Huntingdonshire Local Plan to 2036: Proposed Submission 2017 (as amended March 2018 for submission) have replaced those from the Consultation Draft that are recorded in the reasons for refusal:
- LP2: “Strategy for development”.
 - LP4: “Contributing to Infrastructure Delivery”.
 - LP7: “Spatial Planning Areas”.
 - LP11: “The Countryside”.
- 3.6 The Huntingdonshire Local Plan to 2036: Proposed Submission 2017 is considered to be a sound plan and has reached an advanced stage and is consistent with the policies set out within the NPPF.
- 3.7 The reasons for refusal record conflict with the following Supplementary Planning Document:
- Huntingdonshire Developer Contributions SPD 2011
- 3.8 The Council is able to demonstrate a 5 year supply of housing land. Huntingdonshire's Housing Land Supply Position Statement of August 2017 has been replaced by the Annual Monitoring Review (AMR) dated December 2017 and this records a 5 year housing land supply (including a 20% buffer to account for previous persistent under delivery) of 5.78 years.

4. PLANNING HISTORY

- 4.1 17/00108/OUT - Development of up to 199 dwellings and 6,970 sq. metres (75,000 sq. ft) of class B1 business premises with open space, new accesses from The Great North Road, roads and associated infrastructure, refused planning permission by the Committee at the October 2017 meeting for the reasons listed in paragraph 1.1 of this report. The Committee Report is attached as a ‘green paper’ item.
- 4.2 9002015OUT – Erection of buildings for business and industrial uses, permitted March 2016 with a Section 106 agreement to contribute to Bus Services and footpath/cycleway improvements between Little Paxton and St Neots. This permission remains extant and reserved matters applications for access roads, landscaping and associated infrastructure and for 3 employment buildings are being considered by officers under applications 18/00372/REM, 18/00384/REM, 18/00386/REM and 18/00388/REM.
- 4.3 8301215FUL – Roads Footpaths and Sewers – permission granted subject to conditions. Permission implemented with the construction of kerbs and the first section of the access.

- 4.4 8301181FUL – industrial development, permitted 1983.
- 4.5 8801873OUT – residential development (10.12ha) refused 1989 because it was considered contrary to the County Structure Plan; contrary to District settlement policy; premature and prejudicial to the future (1995) Local Plan; and would exacerbate flooding. An appeal was submitted, but was withdrawn before the Public Inquiry was scheduled to commence in 1990.
- 4.6 The adjacent housing on Samuel Jones Crescent (accessed off Mill Lane) was granted outline planning permission in 2005 for 426 residential units, plus public house and community hall, ref: 0302792FUL. There followed a series of amendments to this planning permission that led to other planning permissions such as 0703126S73 and 09/01203/S73 and the removal of the public house and community hall.

5. CONSULTATIONS

- 5.1 Consultation responses to the planning application are listed in the October 2017 Committee report – attached to this report.

6. REPRESENTATIONS

- 6.1 Representations to the planning application are listed in the October 2017 Committee report – attached to this report.

7. OFFICER ADVICE

Material changes in planning policy:

- 7.1 As stated in section 3 above, the policies from the Huntingdonshire Local Plan to 2036 (2017) Consultation Draft that are stated in the reasons for refusal have been replaced by the policies in the Huntingdonshire Local Plan to 2036: Proposed Submission 2017 (as amended March 2018 for submission).
- 7.2 Whilst the policy numbers have changed, the policies are largely unaltered and do not materially affect the LPA's case. Officers consider the Local Plan to 2036 to be a sound plan and it was submitted for examination on the 29th March 2018. The plan has therefore reached an advanced stage and is consistent with the policies set out within the NPPF.
- 7.3 The emerging Local Plan to 2036 has been submitted for examination and as such, in accordance with paragraph 216 of the NPPF, it is considered that moderate weight can, at present, be attributed to housing supply policies within the emerging Local Plan. The weight to given to emerging policies will be reviewed as the Local Plan progresses through its Examination by a Planning Inspector and Examination hearings are scheduled for Summer and Autumn of this year.

Material changes in other circumstances:

- 7.4 In December 2017 and January 2018, the LPA received appeal decisions against the refusal of two major housing developments in Brampton and Ramsey. Those decisions are material to the LPA's case because both Planning Inspectors ruled that the NPPF 'tilted balance', contained within the 'presumption in favour of sustainable development' (NPPF paragraph 14) applies to decision making in Huntingdonshire. The implications of this are explained in the proceeding paragraphs of this report.
- 7.5 In the Brampton Appeal (ref. APP/H0520/W/17/3172571) the Inspector (Mr Felgate) found that *"Policies H23, En17 and CS3 are no longer fully up-to-date or consistent with the NPPF in terms of its aims for housing, and as such these policies carry reduced weight"* (paragraph 34). The Inspector's ruling that some relevant policies are of date and the Council's development plan is silent on how current and future housing needs are to be met, led him to rule (in paragraph 36 of his decision letter) that despite the existence of a 5 year housing land supply, the NPPF 'tilted balance' is engaged for the purpose of decision making.
- 7.6 Inspector Felgate did however give substantial weight to Policy CS1 in the Core Strategy because of its consistency with the NPPF in setting the criteria for the assessment of sustainable development.
- 7.7 In the Ramsey appeal (ref. APP/H0520/W/17/3174462) the Inspector (Mr Hetherington) agreed with Inspector Felgate that the out of date nature of those policies clearly engages the 'tilted balance'. Inspector Hetherington found that Policies H23, En17 and CS3 are out of date and carry reduced weight.
- 7.8 What does the tilted balance mean for decision making in general?
- 7.9 It means that in decision making, the process of undertaking the planning balance - by weighing benefits against the disbenefits - is already 'tilted' in favour of a grant of planning permission.
- 7.10 In practice the 'tilted balance' is a significant material consideration of great weight and it means planning permission should be granted for a sustainable development unless any adverse impacts would significantly and demonstrably outweigh the benefits of the development (having regard to the Framework policies taken as a whole), or where specific policies of the Framework indicate development should be restricted (NPPF paragraph 14).
- 7.11 The 'tilted balance' contrasts with the 'ordinary balance' in Section 38(6) of the 2004 Planning and Compulsory Purchase Act which begins from a level position and requires a straightforward balancing of benefits against disbenefits. Members considered the application under the 'ordinary balance' and refused planning permission.
- 7.12 Since receiving those appeal decisions, Officers have been determining planning applications in accordance with the 'tilted balance' and recommending the same to the Committee. The 'tilted balance' will continue to apply until the Council adopts the Local Plan

to 2036 with up-to-date policies and provided it maintains a 5 year housing land supply.

7.13 **What does the tilted balance mean for the appeal proposal?**

7.14 In reviewing its case the LPA is now compelled to assess the appeal proposal in the 'tilted balance' as part of its case review and to demonstrate sensible case management.

7.15 If Officers were presenting the appeal proposal to the Committee afresh, we would recommend that it is sustainable development that should be granted planning permission because the adverse impacts would not significantly and demonstrably outweigh the benefits of the development.

7.16 The adverse impacts recorded by Officers were the conflict between the appeal proposal and the adopted development plan in terms of locational criteria and the minor and relatively localised harm to the character and appearance of the area. These adverse impacts are minor and would not meet the test of significantly and demonstrably outweighing the benefits of the appeal proposal, which included 40% Affordable Housing, which is in itself a significant benefit of the scheme.

7.17 Officers therefore advise the Committee that the adverse impacts recorded in the reasons for refusal (listed in summarised form below) do not significantly and demonstrably outweigh the benefits of the appeal proposal.

(i) The appeal proposal seeks housing development outside of the built-up area of the village and in the countryside.

(ii) loss of significant economic benefits to the area resulting from a loss of employment land.

(iii) uncertain that the application development will make a contribution to education provision

7.18 In reviewing the case and taking each 'impact' in turn, the Committee is advised as follows:

Impact 1 - housing development outside of the built-up area of the village:

7.19 Officers advise that the Council's housing supply policies (Policies H23, En17 and CS3) in the adopted development plan (as referred to in reasons for refusal 1) requiring general needs housing to be restricted to the built up area of a settlement are no longer up-to-date or consistent with the NPPF in terms of its aims for housing (as per the Planning Inspectors' decisions quoted above) and therefore the 'tilted balance' is engaged.

7.20 The Committee has applied the 'tilted balance' to its decision making in recent times, notably at the May 2018 meeting, when the Committee followed Officer advice and applied the 'tilted balance' to resolve to approve a major housing development of up to 120 dwellings (ref. 17/01687/OUT) on land outside of the built up area of

Needingworth and in the countryside, contrary to the provisions of the out of date development plan policies referred to above. The Committee's resolution is particularly relevant in the context of the appeal proposal because Needingworth is defined in the development plan (policy CS3) as a 'Smaller Settlement' and therefore a less sustainable location for housing growth compared to Little Paxton which is a higher tier 'Key Service Centre' settlement.

7.21 The Committee's decision to refuse the appeal development for being outside the built-up area of Little Paxton is untenable when considered against its decision to resolve to approve the Needingworth development on land outside of the built up area of the village and in the countryside.

7.22 The Planning Practice Guidance (Paragraph: 050 Reference ID: 16-050-20140306) lists the following as an example of where a LPA is at risk of an award of costs with respect to the substance of the matter under appeal:

"not determining similar cases in a consistent manner"

7.23 The apparent inconsistencies between the Committee's decisions on the appeal proposal and the Needingworth proposal - in respect of built up area - can be put down to material changes in circumstances that have happened in the last 6 months or so, that have led to the application of the 'tilted balance'.

7.24 Nevertheless, the LPA must still *"review cases promptly following the lodging of an appeal as part of sensible on-going case management"* (Planning Practice Guidance (Paragraph: 049 Reference ID: 16-049-20140306)).

7.25 The Committee is therefore advised to withdraw from reason for refusal 1, the reference to harm arising from the development being located outside of the built up area of the settlement and the alleged conflict with policies H23, En17 and CS3. The alleged conflict with policies LP5 and LP8 from the Draft Local Plan to 2036 should also be withdrawn as the conflict between these emerging policies attracts only moderate weight in the planning balance at this time.

Impact 2 - loss of significant economic benefits to the area resulting from a loss of employment land:

7.26 As part of the case review and appeal preparation, Officers sent out a tender document inviting consultants (4 national companies and 1 local company) to tender to assist the LPA in defending the refusal reason that alleges the appeal proposal would result in the unjustified loss of a committed employment site and loss of economic benefits. The following responses were received:

- Consultant 1 – could offer 'qualified' assistance to assess the matter of the loss of employment land. However, the consultant is not a commercial property agent and advised it could not provide a commentary or market intelligence on the number of companies on databases that are actively looking for employment sites in the area.

- Consultant 2 – was unable to tender for the work
- Consultants 3 and 4 – declined to tender as both had insufficient capacity to undertake the work.
- Consultant 5 – no reply.

7.27 Officers have considered the ‘qualified’ assistance offered by consultant 1, but have serious reservations that the outputs of this work, by a non-commercial property agent, and based upon a review of multiple secondary data sources would lead to a sufficiently robust evidence base on which to defend the appeal.

7.28 Included in the list (non exhaustive) of examples of unreasonable substantive behaviours that risk an award of costs at appeal are a *“failure to produce evidence to substantiate each reason for refusal on appeal”* and relying on *“vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis”* (*The Planning Practice Guidance - Paragraph: 050 Reference ID: 16-050-20140306*).

7.29 In reviewing its case on this matter and in preparation for the forthcoming Appeal, the Committee will need to consider if and how it is able to substantiate this reason for refusal, having regard to the advice in the Planning Practice Guidance.

Impact 3 - uncertain contribution to education provision:

7.30 In accordance with the Developer Contributions SPD Adopted 2011 (paragraph G.6) negotiated contributions for education and school provision will apply only to large scale major residential developments (those of 200 dwellings and above).

7.31 For developments of <200 dwellings, the CIL Regulations prevent the Council from securing a negotiated contribution to provide for education infrastructure via a Section 106 Agreement. The Council will, as a CIL charging authority, receive contributions to be pooled and put towards the necessary infrastructure requirements to accommodate growth in the area. Unlike Section 106 Agreements, CIL receipts are not ‘ring-fenced’ for specific infrastructure, and the District Council as the CIL Charging Authority will decide the future allocation and prioritisation of CIL spend.

7.32 Officers are sympathetic to the Committee’s concern that there is no certainty under the CIL regulation that the appeal proposal will make a full contribution to mitigate its impact on this infrastructure. It is accepted by all parties that education infrastructure is at capacity in the locality of the site.

7.33 However, it is accepted by the County Council as the Local Education Authority, that CIL is the only option available for securing developer contributions towards mitigating the education infrastructure impact from this development or that of any other development of <200 homes. Decisions relating to the spending of CIL contributions rest with this District Council who will work with infrastructure providers, such as the County Council, and communities to set these priorities. The County Council raises no objection to the appeal proposal and it

has an obligation to provide school places to children residing in the County.

- 7.34 In reviewing its case on this matter and in preparation for the forthcoming Appeal, the Committee will need to consider if and how it is able to substantiate this reason for refusal, having regard to the Planning Practice Guidance highlighted in paragraph 7.28 above.

8. RECOMMENDATION

That the Committee reviews the LPA's case (in light of the advice in this report covering material changes in circumstances since the October 2017 Committee meeting) and confirms that it will either:

(i) defend all reasons for refusal to grant planning permission, or;

(ii) defend specific reasons for refusal and no others, or;

(iii) decline to defend all reasons for refusal on the basis of material changes in circumstance.

Any decision not to defend a reason for refusal will be reported by Officers to the Planning Inspectorate at the earliest possible opportunity.

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CONTACT OFFICER:

Enquiries about this report to **Mr Gavin Sylvester Senior Development Management Officer 01480 387070**

Development Management Committee



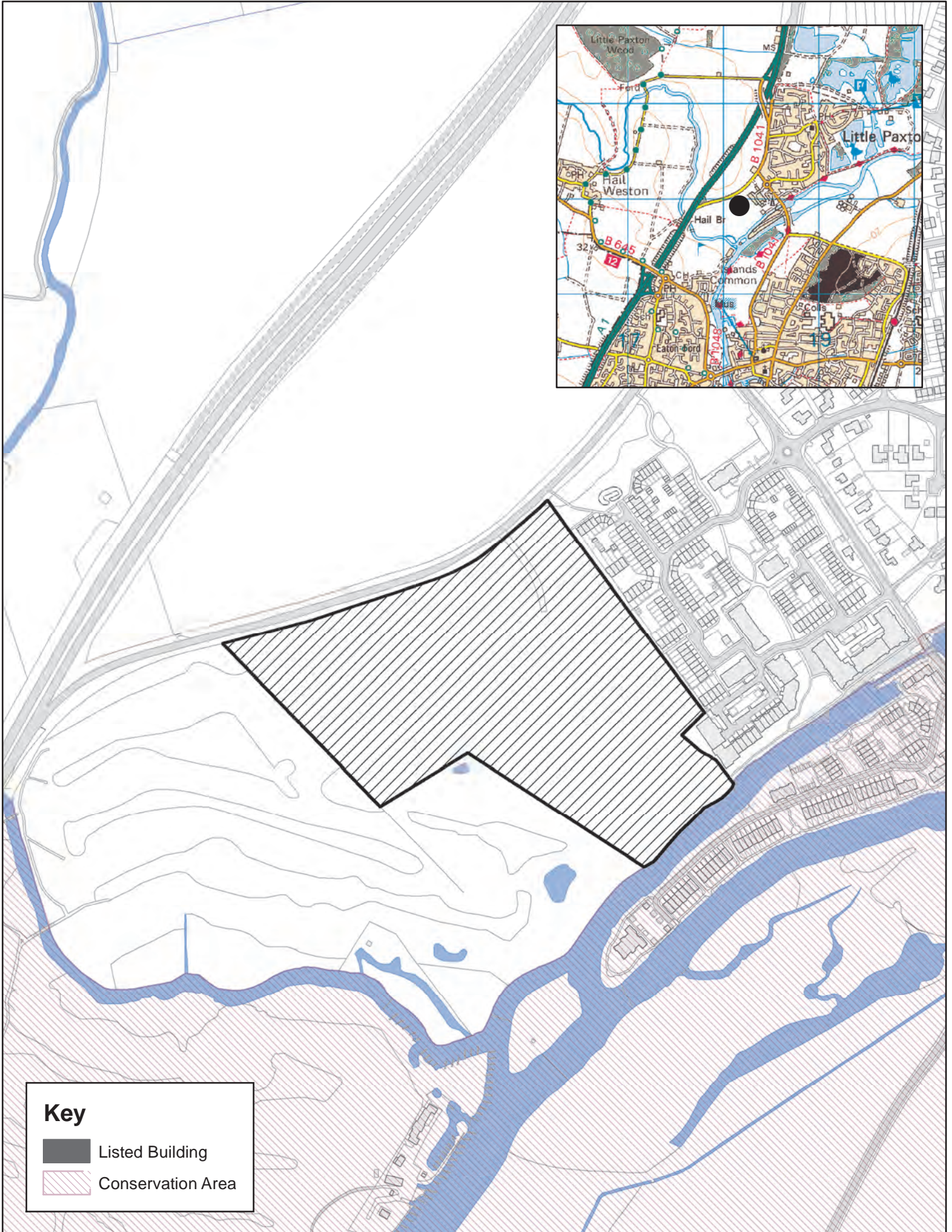
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Date Created: 31/05/2018



Application Ref: 17/00108/OUT

Location: Little Paxton

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Key

-  Listed Building
-  Conservation Area

GREEN PAPERS FOLLOW

Case No: 17/00108/OUT (OUTLINE APPLICATION)

Proposal: DEVELOPMENT OF UP TO 199 DWELLINGS AND 6,970 SQ. METRES (75,000 SQ. FT) OF CLASS B1 BUSINESS PREMISES WITH OPEN SPACE, NEW ACCESSES FROM THE GREAT NORTH ROAD, ROADS AND ASSOCIATED INFRASTRUCTURE.

Location: PART OF LAND AT RIVERSFIELD GREAT NORTH ROAD LITTLE PAXTON

Applicant: MR D H BARFORD AND MR S HUTCHINSON

Grid Ref: 518171 261907

Date of Registration: 18.01.2017

Parish: LITTLE PAXTON

RECOMMENDATION – minded to approve

This application is referred to the Development Management Panel in accordance with the Scheme of Delegation as (i) the recommendation of Officers to approve is contrary to that of Little Paxton Parish Council to refuse and (ii) is not in accordance with the development plan and emerging Local Plan to 2036.

If members are minded to grant planning permission to the development, the Council is required by the Town and Country Planning (Consultation) (England) Direction 2009 (paragraph 5.(1)) to refer the application to the Secretary of State for him to consider calling-in the application for his determination because the development proposes office use, and:

- (a) is to be carried out on land which is edge-of-centre, out-of-centre or out-of-town; and
- (b) is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out; and
- (c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is 5,000 square metres or more.

The Secretary of State has 21 days to decide whether to call-in the application following receipt of the requisite details of the application.

The recommendation of officers is:

MINDED TO APPROVE subject to the prior completion of a Section 106 obligation to secure affordable housing, open space and funding of wheeled bins.

OR

REFUSE in the event that the obligation referred to above has not been completed and the applicant is unwilling to agree to an extended period for

determination, or is unwilling to complete the obligation necessary to make the development acceptable.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application site is undeveloped land is located adjacent to the built-up area of Little Paxton Village. It covers an area of approx. 10 hectares (25 acres) and is overgrown with grasses and scrub vegetation. An access road into the site from the B1041 Great North Road has been constructed following implementation of a 1980's planning permission for roads and sewers to serve a business park on the land.
- 1.2 The relevant planning history of the site is listed in section 8 below. The land has extant planning permission for the erection of buildings for business and employment uses (use classes B1 and B2). This permission granted in 2015, has yet to be implemented.
- 1.3 The application land fronts the B1041 Great North Road and this boundary is defined by a tall hedgerow. The north-east boundary is defined by a chain-link fence topped with barbed-wire and beyond this is a modern housing development, Samuel Jones Crescent. The riverbank of the Great Ouse River marks the south-east boundary. The river also marks the boundary with the adjacent St Neots Conservation Area. A group of trees growing on the part of the site on the edge of river are preserved by Tree Preservation Order 17/003, confirmed 7 March 2017. On the opposite side of the river channel are houses on Skipper Way. These were built on the site of Island Mill that was demolished in the early 2000s. The St Neots golf course is beyond the south-west boundary. This boundary is defined by trees and hedgerow.
- 1.4 The site is approximately 170m away from St Neots Island Common SSSI, which is located beyond the housing on Skipper Way on the opposite side of the River Great Ouse (both channels) at its closest point. The River Great Ouse is also a designated County Wildlife site.
- 1.5 Part of the site closest to the Great Ouse River is shown by the Environment Agency flood zone map and the Council's Strategic Flood Risk Assessment 2017 (SFRA) as at a high risk of flooding, with a probability of being flooded estimated at great than 1% in any one year.
- 1.6 The application is seeking outline planning permission with all matters reserved for the development described above. The means of Access from the site to the public highway, Layout, Scale, Appearance and Landscaping of the proposed development are the 'Reserved Matters' for future approval. The application is accompanied by an illustrative Development Framework Plan showing how the land might be developed, but not necessarily how it would be developed were outline planning permission to be granted. This superseded an earlier Feasibility Layout drawing which for completeness is included in the agenda pack, but it would not be approved were outline permission to be granted.

1.7 The application was submitted with the following technical reports.

- Ground Investigation Report
- Archaeological Report
- Anglian Water Pre Planning Report
- Noise Impact Assessment
- Flood Risk Assessment and Drainage Strategy
- Transport Assessment Report (updated)
- Residential Travel Plan
- Workplace Travel Plan
- Statement of Community Engagement
- Planning, Heritage, Design and Access Statement
- Draft S106 agreement

1.8 Addendums to the Transport Assessment and to the Planning, Heritage, Design and Access Statement were submitted in response to issues raised by consultees.

2. NATIONAL GUIDANCE

2.1 The National Planning Policy Framework (2012) sets out the three dimensions to sustainable development - an economic role, a social role and an environmental role - and outlines the presumption in favour of sustainable development. Under the heading of Delivering Sustainable Development, the Framework sets out the Government's planning policies for : building a strong, competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; promoting sustainable transport; supporting high quality communications infrastructure; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; protecting Green Belt land; meeting the challenge of climate change, flooding and coastal change; conserving and enhancing the natural environment; conserving and enhancing the historic environment; and facilitating the sustainable use of minerals.

2.2 Noise Policy Statement for England is also relevant.

2.3 Planning Practice Guidance is also relevant.

For full details visit the government website

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

3. PLANNING POLICIES

Development Plan:

3.1 Saved policies from the Huntingdonshire Local Plan (1995)

- E1: "Employment growth"
- E2: "Employment allocations"
- E5: "Phasing of allocated employment land"
- E8: "Employment in villages and the Countryside"
- H30: "Introduction of commercial uses or activities within existing residential areas"
- H31: "Residential privacy and amenity standards"

- H37: "Environmental Pollution"
- H38: "Noise Pollution"
- T18: "Access requirements for new development"
- T19: "Pedestrian Routes and Footpath"
- T20: "Cycle Routes"
- T21: "Public transport services"
- R1: "Recreation and Leisure Provision"
- R2: "Recreation and Leisure Provision"
- R3 "Recreation and Leisure Provision"
- R7 "Land and Facilities"
- R8 "Land and Facilities"
- R12: "Land and Facilities"
- En12: "Archaeological Implications"
- En13: "Archaeological Implications"
- En18: "Protection of countryside features"
- En19: "Trees and Landscape"
- En20: "Landscaping Scheme"
- En22: "Conservation"
- En23: "Conservation"
- En25: "General Design Criteria"
- CS8: "Water"
- CS9: "Flood water management"

The land is identified as a major employment commitment on the Inset Map for St Neots (north section).

3.2 Saved policies from the Huntingdonshire Local Plan Alterations (2002)

- HL5 - Quality and Density of Development
- HL6 - Housing Density
- HL10 - Housing Provision
- OB2 - Maintenance of Open Space

3.3 Huntingdonshire Local Development Framework Core Strategy (2009)

- CS1: "Sustainable development in Huntingdonshire"
- CS2: "Strategic Housing Development"
- CS3: "Settlement Hierarchy"
- CS4: "Affordable Housing in Development"
- CS10: "Contributions to Infrastructure Requirements" Adopted

Draft planning policy:

3.4 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)

- LP1: "Strategy and principles for development"
- LP2: "Contributing to Infrastructure Delivery"
- LP3: "Communications Infrastructure"
- LP6 "Flood Risk and Water Management"
- LP7: "Strategic Green Infrastructure Enhancement"
- LP8: "Development in the Spatial Planning Areas"
- LP9: "Development in Key Service Centres: Little Paxton is a Key Service Centre."
- LP11: "Relationship between built-up area and the countryside".
- LP13: "Quality of Design"

- LP15: "Ensuring a High Standard of Amenity"
- LP17: "Sustainable Travel"
- LP18: "Parking Provision"
- LP21: "Rural Economy; Employment Development".
- LP24: "Housing Mix"
- LP25: "Affordable Housing Provision"
- LP26: "Homes in the Countryside".
- LP28: "Biodiversity and Protected Habitats and Species"
- LP29: "Trees, Woodland and Related Features"
- LP30: "Open Space"
- LP31: "Heritage Assets and their Settings"

Stage 3 Consultation was subject to public consultation in 2013 and the LPA has recorded the number of unresolved objections to the policies in that Plan.

Huntingdonshire's Local Plan to 2036: Consultation Draft 2017

- LP1: "Strategy and principles for development".
- LP2: "Green Infrastructure"; proposals within the Ouse Valley Landscape Character Area, defined in the Landscape and Townscape Assessment SPD will be supported where it contributes to the landscape, wildlife, cultural and historical value of the area.
- LP3: "Contributing to Infrastructure Delivery".
- LP4: "Waste Water Management".
- LP5: "Spatial Planning Areas".
- LP6: "Key Service Centres".
- LP8: "The Countryside".
- LP9: "Flood Risk".
- LP10: "Design Context".
- LP11: "Design Implementation".
- LP13: "Amenity".
- LP14: "Surface Water".
- LP15: "Sustainable Travel".
- LP16: "Parking Provision".
- LP18: "Rural Economy".
- LP23: "Affordable Housing Provision".
- LP24: "Housing Mix".
- LP28: "Rural Exceptions Housing"
- LP29: "Health Impact Assessment".
- LP30: "Biodiversity and Geodiversity".
- LP31; "Trees, Woodland, Hedges and Hedgerows".
- LP34: "Heritage Strategy".
- LP35: "Heritage Assets and their Settings".
- LP38: "Ground Contamination and Groundwater Pollution".

This 2017 Consultation Draft is the latest Council position and was subject to public consultation in July and August 2017, and is a material consideration.

3.5 Supplementary Planning Guidance / Other relevant documents:

- Huntingdonshire's Housing Land Supply Position August 2017
- St Neots Conservation Area Character Assessment 2006.

- Huntingdonshire Design Guide 2017
 - Huntingdonshire Landscape and Townscape Assessment 2007
 - Huntingdonshire Strategic Flood Risk Assessment 2017
 - Huntingdonshire Employment Land Study 2014
 - LDF Developer Contributions SPD 2011
 - RECAP CCC Waste Management Design Guide (CCC SPD) 2012
- 3.6 The Housing and Economic Land Availability Assessment: Additional Consultation 2016 assessed the potential for development of the application land for housing, concluding that the land is suitable for medium density residential development.
- 3.7 The Housing and Economic Land Availability Assessment: June 2017 made a further assessment of the application land, concluding that it may be suitable for medium density residential development across a net developable area of 50% of the site, resulting in an estimated capacity of 240 dwellings. It anticipates the land could be delivered in the first ten years of the plan period.

Local policies and guidance are viewable at <https://www.huntingdonshire.gov.uk>

4. PLANNING HISTORY

- 4.1 9002015OUT – Erection of buildings for business and industrial uses, permitted March 2016 with a Section 106 agreement to contribute to Bus Services and footpath/cycleway improvements between Little Paxton and St Neots. This permission remains extant. Copies of the Decision Notice, Committee Report and Drawings are included as a ‘Green Paper’ item.
- 4.2 8301215FUL – Roads Footpaths and Sewers – permission granted subject to conditions. Permission implemented with the construction of kerbs and the first section of the access.
- 4.3 8301181FUL – industrial development, permitted 1983.
- 4.4 8801873OUT – residential development (10.12ha) refused 1989 because it was considered contrary to the County Structure Plan; contrary to District settlement policy; premature and prejudicial to the future (1995) Local Plan; and would exacerbate flooding. An appeal was submitted, but was withdrawn before the Public Inquiry was scheduled to commence in 1990.
- 4.5 The adjacent housing on Samuel Jones Crescent (accessed off Mill Lane) was granted outline planning permission in 2005 for 426 residential units, plus public house and community hall, ref: 0302792FUL. There followed a series of amendments to this planning permission that led to other planning permissions such as 0703126S73 and 09/01203/S73 and the removal of the public house and community hall.

5. CONSULTATIONS

- 5.1 **Little Paxton Parish Council** - recommend REFUSAL (copy attached).
- 5.2 **St Neots Town Council (neighbouring 'parish')** – recommends REFUSAL on grounds of Highway Safety; Traffic Congestion; Layout and density of building; Road Access; Local, Strategic, regional and national planning policies; Demonstrable harm to the amenity of the residents; Scale of development; and Loss of important open spaces or physical features.
- 5.3 **Cambridgeshire County Council Transportation** – NO OBJECTION subject to the following –
- provision of 2 metre wide footway from the site access on Great North Road, running north along Great North Road to join the existing footway near Mill Lane.
 - provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority.
 - provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Cambridgeshire County Council, to include six one day travel vouchers for use with the relevant local public transport operator. Such Pack to be provided to the first occupiers of each new residential unit on the development site.
- 5.4 **Anglian Water** - NO OBJECTION subject to a foul drainage condition.
- 5.5 **Cambridgeshire Fire and Rescue** - NO OBJECTION subject to securing provision for fire hydrants through Section 106 or a planning condition.
- 5.6 **Cambridgeshire County Council Archaeology** - NO OBJECTION as an archaeological evaluation for this land undertaken in 2010 demonstrated a low level of archaeological remains of low significance
- 5.7 **Cambridgeshire County Council Education** – NO OBJECTION the development proposes fewer than 200 dwellings and therefore S106 contributions to mitigate against the demand placed on schools and household waste recycling centres cannot be sought. Instead, the County Council will seek funding for infrastructure from the Community Infrastructure Levy.
- 5.8 **Cambridgeshire County Council Flood and Water Management Team** - NO OBJECTIONS subject to condition securing the detailed design, implementation, maintenance and management of a surface water drainage scheme.
- 5.9 **Cambridgeshire County Council as Local Highways Authority** - NO OBJECTIONS

- 5.10 **Cambridgeshire Constabulary** - NO OBJECTION from a crime reduction and / or community safety perspective but would wish to comment on reserved matter details
- 5.11 **Environment Agency** – NO OBJECTION subject to a condition preventing ground raising within the part of the site shown within Flood Zone 3 on the flood zone map.
- 5.12 **HDC Environmental Health** - NO OBJECTIONS raised subject to conditions to mitigate noise impacts and to investigate the land for contamination.
- 5.13 **HDC Housing** - NO OBJECTION subject to S106 to secure provision of affordable housing
- 5.14 **HDC Green Space** - NO OBJECTIONS subject to S106 agreement to secure on-site provision and maintenance of green space.
- 5.15 **Highways England** (formerly Highways Agency) - NO OBJECTION.
- 5.16 **Natural England** - NO OBJECTION as the proposal will not pose an unacceptable risk to sites of statutory nature conservation, including Paxton Pits SSSI and St Neots Common SSSI. Provision of high quality open space and a circular route with an approximate 2.6km distance would be desirable and represent good practice, but is not essential.
- 5.17 **NHS England** - There is 1 branch surgery within a 2km radius of the proposed development that does not have sufficient capacity to accommodate new patients from this development. A Section 106 contribution to mitigate demand on the surgery from this development cannot be sought from a development of fewer than 200 homes and therefore funding will be sought from the Community Infrastructure Levy.
- 5.18 **Sport England** – NO OBJECTION. The landscape buffer between the golf course boundary and the proposed new housing area, which includes SUDS, will discourage walkers from using the land closest to the golf club boundary, as shown on drawing no. CSA/3326/100 Rev C. This will reduce the probability of ball-strike from golfers playing the fourth hole and achieves a reasonable balance between protecting the interests of the golf club, against the interests of the applicant seeking to develop the site in a way that minimises any dangers from golf balls leaving the site. Recommended that a planning condition is imposed that seeks detailed approval of the mitigation scheme (principally full details of site boundary planting as well as details of the site application layout) in accordance with the indicative plan outlined above, and that such a scheme if approved is then implemented in accordance with a timetable to be agreed between the applicant and the local authority.
- 5.19 **Wildlife Trust** - NO OBJECTIONS subject to conditions. Key on-site potential ecological impacts relate to the adjacent River Great Ouse County Wildlife Site (CWS). The water vole and otter surveys mentioned in the ecological appraisal will be required, in order to assess the potential impacts of disturbance on these species, and to determine necessary mitigation measures. Detailed landscape design

should consider not just retaining an undisturbed buffer of at least 5m along the river edge, as recommended, but also how other areas of greenspace can be designed to complement this buffer, and the potential for habitat enhancements.

6. REPRESENTATIONS

6.1 59 individual representations of objection have been submitted. The grounds for objection are summarised as follows and in no particular order:

- substantial number of properties recently built in Little Paxton changing its character from a peaceful rural village to a St Neots suburb.
- increased demand for places at Little Paxton School, which will not have sufficient capacity despite being enlarged three times in recent years. Sending pupils to schools beyond the village does not help to build a community.
- increased demand on health facilities.
- local clubs for children (Beavers, Cubs, Scouts, Rainbows and Brownies) are already full with long waiting lists since the existing new build has been occupied.
- The local football and cricket clubs for children are oversubscribed with no facilities available to run second teams.
- inadequate and insufficient amenities in the village (small shop, takeaway, pharmacy) to serve the existing population and this development will add to the demand on amenities.
- St Neots amenities, services and employment will need to be shared with Loves Farm development (HDC ref. 1300388OUT) and Wintringham Park (HDC ref. 1300178OUT).
- no significant employers in the village, forcing residents to travel to access employment.
- the area is designated as flood plain.
- road infrastructure is not adequate for the increase in traffic, with narrow roads, numerous junctions at capacity (such as Skipper Way and Mill Lane, and pinch-points at river crossings).
- concerns over the load bearing capability of the ancient bridge over the river.
- significant increase in traffic; 200 homes equals 400 cars; and doubts over the accuracy and robustness of the applicant's Transport Assessment.
- Slip road joining the southbound A1 is dangerous to highway safety.
- HDC will spend the most (90%) of the CIL receipts of circa £2 million from the development on the Huntingdon West Link Road and Little Paxton residents will not benefit directly.
- CIL monies from the development should be spent on infrastructure in Little Paxton.
- HDC allowed the Pub/Restaurant to be removed from the adjacent development.
- lack of community facilities on the adjacent development led to an increase in crime in Little Paxton.

- concerns that the golf club will be held liable for damage/injury caused by balls being hit accidentally from the course and into the proposed development.
- construction noise will impact on living conditions of adjacent occupiers, especially those suffering ill-health.
- devaluation of existing properties; especially those with views across the open application land.
- doubtful need for commercial/business units given vacant units in St Neots and fact the land has had employment permission since the early 1980's. Commercial/business area is likely to be built on for houses in the future.
- harm to wildlife; the original conservation report highlighted many rare species on the application land, and deer, red kites and foxes are frequently seen in this area.
- ineffective consultation with most people being aware of the application via the Hunts Post or social media services.
- submitted plans show inadequate parking provision for residents of each home and their visitors; the layout is overly dense.
- increase in air pollution in the village due, especially given south west prevailing wind.
- trees along the river frontage should be preserved by TPO.
- reported that cattle suspected of anthrax contamination were buried under the land in the 1960's.
- overlooking of properties in Samuel Jones Crescent, Red Admiral Court and Holy Blue Close, leading to loss of residents' privacy.
- submitted plans contain scant details of the scale, layout and appearance of the development.
- application description incorrectly states development is on part of Riversfield. It is actually for development of the entire Riversfield.

7. ASSESSMENT

7.1 The Town and Country Planning Act 1990 (section 70(2)) requires a Local Planning Authority in determining a planning application to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

7.2 Section 38(6) of the 2004 Planning and Compulsory Purchase Act places a statutory duty on a Local Planning Authority that the determination of a planning application must be made in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is defined in section 38(3)(b) of the 2004 Act as *"the development plan documents (taken as a whole) that have been adopted or approved in that area"*.

7.3 In Huntingdonshire the development plan consists of:

- Saved policies from the Huntingdonshire Local Plan 1995 (Parts 1 and 2).

- Saved policies from the Huntingdonshire Local Plan Alteration 2002.
 - Adopted Core Strategy 2009.
 - Huntingdon West Area Action Plan 2011.
 - Cambridgeshire & Peterborough Minerals and Waste Development Plan Core Strategy and Proposals Map C 2011 and Site Specific Proposals Plan and Proposals Map A and B 2012.
- 7.4 The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of land.
- 7.5 Material considerations do not displace the statutory duty of the Council to determine planning applications in accordance with the development plan. Material considerations should be weighed in the planning balance to establish whether the decision should be made in accordance with the development plan, or whether there is good reason to grant planning permission for development that departs from the development plan.
- 7.6 The NPPF is a material consideration and being Government policy, the NPPF is a material consideration capable of attracting significant weight.

Principle of development:

Housing:

- 7.7 Little Paxton is defined as a Key Service Centre by Core Strategy policy CS3. The Core Strategy classifies Key Service Centres as:
- "large villages with a good level of services such as a primary school within the village, a secondary school within the village or easily accessible by public transport, primary health care facilities, such as a GP surgery, a range of shops and services that can meet day-to-day needs, local employment opportunities and a reasonable public transport service to higher order settlements".*
- 7.8 In Key Service Centres policy CS3 provides for development schemes of moderate, minor and infill scale. This includes schemes of up to 59 dwellings, although development proposals of a larger scale may be allowed where site specific circumstances demonstrate that this secures the most sustainable option for the site. In all cases policy CS3 expects development to be within the built-up area in order to continue the aim expressed in paragraph 5.16 of the Core Strategy of concentrating development in the larger sustainable settlements that offer the best levels of services and facilities and protects the character and scale of smaller villages and the countryside.
- 7.9 The definition of "built up area" was to be set out in more detail in a Development Management DPD but that did not happen as the Localism Act 2011 placed a requirement on Local Authorities to move away from Local Development Frameworks and have Local Plans in place,. For the purposes of the Core Strategy, the built up area is

defined in paragraph 5.15 as “the existing built form”, subject to the exclusions specified in the paragraph.

- 7.10 The application development conflicts with policy CS3 in that it would be located on land outside of the existing built form of Little Paxton and in the countryside where policy CS3 seeks to restrict housing development to that which has an essential need to be located there, such as a home for an agricultural worker to live at or near their place of work.
- 7.11 The application land is shown by the Local Plan 1995 inset map for St Neots (northern area) within the Environmental Limits of Little Paxton owing to an outstanding employment commitment from an earlier Local Plan.
- 7.12 The conflict between the different approaches in the Local Plan 1995 and Core Strategy 2009 to defining the extent of a settlement must be resolved in favour of the more recently adopted Core Strategy in accordance with section 38(5) of the 2004 Planning and Compulsory Purchase Act. Therefore little weight should be attached to the Local Plan policies H23 and En17 that define a settlement by Environmental Limits.
- 7.13 The application land is not a residential allocation in the 2002 alteration of the Local Plan.
- 7.14 It would have been prejudicial to the outcome of this application to propose to allocate the land in the Huntingdonshire Local Plan to 2036: Consultation Draft 2017. The Council's 2016 and 2017 Housing and Economic Land Availability Assessment (HELAA) concluded that the site may be suitable for housing with a capacity of 240 dwellings, but little weight is attached to this assessment as it is not planning policy.
- 7.15 The NPPF is a material consideration capable of attracting significant weight in the determination of a planning application. Paragraph 6 of the NPPF says policies in paragraphs 18 to 219 of the NPPF when taken as a whole constitute the Government's view of what sustainable development means in practice for the planning system.
- 7.16 In relation to housing development the objective of the NPPF in section 6 (page 12) is to deliver a wide choice of high quality homes to deal with the national problem of unmet housing supply. The NPPF at paragraph 47 requires every LPA to “boost significantly the supply of housing..”.
- 7.17 In this context an LPA is required by NPPF paragraph 47 to meet, in full, the objectively assessed need for market and affordable housing in the housing market area and to identify specific sites equivalent to five years' worth of deliverable housing sites against this requirement with an additional buffer of 5% to ensure choice and competition in the market. Where an LPA has a record of persistent under delivery of housing this buffer should be increased from 5% to 20% to provide a realistic prospect of achieving the planning supply and to ensure choice and competition in the market for land.

- 7.18 The Planning Inspector who determined a recent appeal decision (18 July 2017) for a development of up to 180 homes at land off Lucks Lane, Buckden (appeal ref: APP/H0520/W/16/3159161), considered that the District has, since 2012, persistently under delivered against its housing targets and that a 20% is necessary to ensure that the supply of housing is boosted significantly and the shortfall addressed as soon as possible.
- 7.19 Since that appeal was decided the Council published its Housing Land Supply Position as at August 2017 and has embarked upon a call for housing sites. The Land Supply Position statement confirms that with a 20% buffer, the Council is able to demonstrate a 5.31 year supply of housing land and records (at paragraph 1.21 of that document) that the Council's policies for the supply of housing should be considered 'up-to-date' in accordance with NPPF paragraph 49.
- 7.20 The benefits and disbenefits of the application development in delivering housing in the countryside are considered in this report and are weighed in the planning balance. This is covered later in this report.

Employment:

- 7.21 The application development includes 6970 sq. of employment development in Use Class B1. B1 includes offices (B1a), research and development (B1b), and light industry (B1c). A future developer will decide the composition of these B1 uses.
- 7.22 The land has extant planning permission (9002015OUT) for employment uses in Use Classes B1 and B2. Furthermore, the application land is shown by the Local Plan 1995 inset map for St Neots (northern area) as an outstanding employment commitment.
- 7.23 The principle of employment development on the land is therefore established and considered acceptable subject to other material considerations.
- 7.24 The extant planning permission is considered to override the requirement in the NPPF (paragraphs 24 to 26) to apply the sequential test and require submission of an impact assessment of the proposal on town centre vitality and viability.
- 7.25 The application proposal represents a reduction in employment floor space of 20,901 sqm when compared to the extant planning permission (9002015OUT) which provided for 27,871 sqm in classes B1 and B2 (i.e. 27,871 minus 6970).
- 7.26 This reduction (or 'loss' of employment floor space) cannot be reasonably resisted. Whilst paragraph 22 of the NPPF provides for the long term protection of allocated employment sites where there is a reasonable prospect of the site being used for employment, this 'protection' does not apply to the application land because it is not allocated for employment. Instead the land is shown on an inset map in the Local Plan 1995 and referred to in the plan itself as an outstanding commitment. Policy CS7 of the Core Strategy also refers to the land as an outstanding employment commitment, which may

come forward in the plan period. An outstanding commitment is not the same as an allocation.

- 7.27 The land is not designated in the Draft Local Plan (in any iteration) as an 'established employment area' (EEA) that is 'protected' against alternative uses because it is not in employment use.
- 7.28 The land has not been marketed for sale or lease as employment land, because the applicants' agent maintains that there would not be sufficient demand from the market to justify building out the entire extant planning permission for employment. The applicants' agent is considered to be one of the area's leading commercial property agents and it considers that demand would exist for the amount of employment land now being proposed.
- 7.29 An objector remarks that the availability of vacant employment floor space in St Neots indicates there is no demand for employment uses on the site and in the future houses will be built on the employment part of the site. Officers cannot prejudice the outcome of any future applications, but can advise that the Council's Employment Land Review 2014 identifies an oversupply of Office floorspace across the District and high levels of vacant large and aging industrial stock in St Neots. However, it also advises that demand exists for modern high quality industrial units in accessible locations. Officers consider that the proposed development may contribute to meet such a demand.

Conclusion:

- 7.30 The proposed development is in conflict with the settlement hierarchy in the Council's development plan. It therefore needs to be determined whether there are any material considerations that outweigh the conflict, having regard to the objectives of the development plan policies, and which constitute good reason to grant planning permission for development that departs from the development plan. This assessment will be recorded later in this report.

Heritage Assets

- 7.31 The NPPF recognises the importance of preserving heritage assets and supports sustainable development. Paragraph 7 of the NPPF confirms the three strands of sustainability. In relation to environmental matters this confirms that this includes protecting our natural, built and historic environment. Section 12 of the NPPF (paragraphs 126 to 141) sets out principles and policies for conserving and enhancing the historic environment.
- 7.32 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides: *"In the exercise, with respect to any building or other land in a conservation area, of any function under the planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*
- 7.33 This means the desirability of preserving or enhancing the character or appearance of the Conservation Area is to be given considerable importance in the planning balance.

- 7.34 The River Great Ouse forms the boundary of the adjacent St Neots Conservation Area, which covers a large part of St Neots and its rural environs. Land on the opposite side of the River Great Ouse to the application land is located within the CA. The St Neots Conservation Character Assessment 2006 for (SCCA) identifies this land as the Islands Common and Meadow. The character and function of this land is assessed as forming the green gateway into the historic centre of the town from the north, preserving the traditional relationship between the rural and the urban. The part of the Golf Course south of the River Kym is also within the CA.
- 7.35 The application land is adjacent to the CA and the proposed development is thought likely to be visible from parts of the CA albeit the dense belt of trees abutting the south bank of the River Great Ouse would provide screening of the development in views along parts of Islands Common and the B1041.
- 7.36 Regard is had to the SCCA which sets out the character of this part of the CA. The location of the application land is such that the proposed development would not encroach into the green gateway to the town from the north and therefore the traditional relationship between the rural and the urban (i.e. between Islands Common and Meadows, and the built-up area of St Neots) would be preserved. This being so, the character and appearance of the St Neots CA would be preserved.
- 7.37 In any event, the proposed development would have a lesser impact on the Conservation Area than the extant permission for employment development, which would likely have seen the land developed for industrial type buildings.

Landscape and visual impact assessment:

- 7.38 The impact of the proposed development on the character and appearance of the locality, and on the wider landscape, must be considered on the basis of the land having extant planning permission for employment. If this permission was built out, the land would be covered by industrial type buildings and offices, and associated ancillary development like roads.
- 7.39 The site comprises rough grassland and is bounded by modern residential development to the north east, the golf course to the south west, the highway to the north-west and the River Great Ouse to the south east. In locational terms the site is located on the fringe edge of the village and the proposed development would extend the village into the countryside beyond; just like the extant employment development would do if built out.
- 7.40 The site is not widely visible from the surrounding landscape. Longer distance views of the site from the north and west are very limited as Little Paxton is constrained to the west by the stretch of A1 between it and Eaton Ford. This stretch of A1 is mostly bounded by dense planting on raised ground that screens the site from the road. There is however, a gap in the roadside planting approx. 300m to the north of the B1041 entry slip road junction with the A1 through which the site and the adjacent housing development can be seen above the planting along the front of the application site. This gap is around

125m in length and provides only a glimpse view of the site from the A1 and road users of the A1 are not considered to be especially sensitive receptors to the visual impact of the proposed development

- 7.41 The site is visually contained in views from the west and south by the existing vegetation within the golf course itself and by the dense tree cover along the south side of the Great River Ouse.
- 7.42 The illustrative Development Framework Plan and earlier Feasibility Layout Plan confirms that the amount of development can be accommodated within the site. It shows that 199 units could be accommodated within a scheme of low and medium density housing of predominantly 2 and 2.5 storeys with some across 3 storeys. Adjacent housing on Samuel Jones Crescent is relatively dense and includes a large proportion of 3 storey houses and apartments. The storeys stated are satisfactory, but the maximum building heights dimensions stated would for much taller development. Acceptable heights for 2 and 2.5 storey dwellings would be 9m to the ridge with a limited number of 3 storey dwellings at a maximum height of 12m with top floor accommodation located within a pitched roof space or setback third floor – minimum setback 1.5m).
- 7.43 The scale, layout, appearance and landscaping of the development would be matters reserved for a future developer of the land to apply for. The application land is on the edge of the village and officers are satisfied that careful design of the reserved matters, within the broad principles shown in the indicative layout which shows landscaping and open space along the south and west boundaries, will ensure an appropriate transition from the expanded settlement to the countryside beyond.
- 7.44 The proposed development would be visually well contained by the road and frontage planting; the adjacent residential development; the tree belt on the edge of the River Great Ouse; and the extensive planting within and along the boundaries of the adjacent golf course. Additional tree planting as indicated on the illustrative Development Framework Plan would, when fully established (10-15 years), further minimise and filter views from the highway and from the river valley and golf course to the south.
- 7.45 There is an existing chain link fence on the application land that separates it from the homes on Samuel Jones Crescent. This fence is industrial in appearance with cranked posts and is topped with barbed wire. Were the fence to be retained, it would be a visually unattractive and incongruous form of boundary treatment separating the two housing developments. Should permission be granted, it is considered necessary to require this fence to be removed at the point development adjacent to the fence is completed and ready for occupation. Depending on how the development is phased, the fence might be removed in whole or part, as at present it serves a useful purpose securing the site against unauthorised access.

Conclusion:

- 7.46 The application site is an undeveloped field and this is the baseline from which to assess landscape and visual impact of the proposal. In doing so it is considered that the visual impact of the development will

result in limited harm to the character and appearance of the locality and very limited harm to the wider landscape. This is largely due to the visual containment of the site and relative inability to view the site from longer distances.

- 7.47 It is material that the land has extant permission for employment development. This may not be built out as the applicant's agent suggests. Nevertheless, it still represents a fall-back position from which to consider the impacts of the proposed development and it is considered that the proposed residential led development will have lesser visual and landscape impacts than the permitted employment development.
- 7.48 Refusing to grant planning permission on the basis of the landscape and visual impact of the proposed development would not be sustainable.

Archaeology:

- 7.49 Cambridgeshire County Council has advised that investigations of the land carried out previously did not result in any finds of significance and as such there is no justification for any further investigations.

Access and transport

- 7.50 The NPPF requires all developments that generate significant amounts of movement to be supported by a Transport Assessment (TA) (Para 32). National and local planning policy relating to transport and access promotes sustainable and mixed use development which should give priority to pedestrian and cycle movements, have access to high quality public transport initiatives, create safe and secure layouts and minimising journey times. The NPPF advises that development should only be prevent or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.51 Access from the proposed development to the public highway (Great North Road) is a reserved matter and the access points shown on the drawing are indicative. Access was approved for the extant employment development proving the site is safely accessible.
- 7.52 This application development is accompanied by a Transport Assessment (TA) prepared by AECOM and this was supplemented at the request of the County Council by an Addendum and a Technical Note reporting the assessment of junction capacity at the A1 southbound/Great North Road Junction. The submitted TA uses Journey to Work data from the 2011 census to assign travel routes from the development and identify trip generation and traffic flows. The TA analyses the following junctions for capacity based on traffic flows in 2018 and 2021:
- Great North Road and Mill Lane.
 - Mill Lane/Gordon Road/Samuel Jones Crescent roundabout
 - Mill Lane and Samuel Jones Crescent junction.
 - Proposed site accesses to the Great North Road.

The results of the analysis indicate that the junctions will operate within capacity up to 2021.

- 7.53 The TA tabulates the traffic flow using the A1 southbound access from the Great North Road as follows:

Scenario	AM peak (0800-0900hrs)	PM peak (1700-1800hrs)	Combined AM + PM peaks
Existing traffic survey of junction (2016 survey)	225 (8)	202 (4)	427 (12)
2015 consented employment scheme (ref: 9002015OUT).	10 (2)	72 (5)	82 (7)
Proposed development	39 (0)	41 (0)	80 (0)

The table shows there will be a small reduction in traffic using this junction, when compared to the 2015 consented employment development. There will also be fewer HGV movements (figures in brackets) as the proposed development comprises mainly residential development, whereas the consented scheme comprises office and industrial floorspace. In the AM and PM peaks the proposed scheme will generate 1 additional movement at the junction every 90 seconds (i.e. 39 movements above the 225 within the AM peak).

- 7.54 The County Council requested further assessment of the capacity of the A1 Southbound access junction and this is recorded in the submitted Technical Note (TN02). This assessment involved a manual classified traffic count of the A1 southbound carriageway, immediately upstream of the priority junction with Great North Road and computer modelling of the junction using PICADY software programme. The traffic count was undertaken on Tuesday 12 September during the AM and PM peaks (0800-0900hrs and 1700-1800hrs). The results in table 5 of TN02 show that with the proposed development, the junction will operate within capacity in 2021, although the ratio to flow capacity (RFC) in 2021 will exceed the desirable maximum in the AM peak leading to predicted queues of 9.9 vehicles at the junction. Without the development the modelling predicts a queue of 4.5 vehicles in the AM peak in 2021.

- 7.55 Highways England considers that the queue lengths predicted by the PICADY software overestimate the queue lengths at the junction. This is because PICADY models the junction as a give-way junction, which it technically is, but in reality it operates predominantly as a 'merge' junction which has a greater capacity than as a strict give-way arrangement. That said, Highways England advises that even if the queue lengths predicted by PICADY are to be believed they would not be a major concern for the A1 as a Strategic Road Network.

- 7.56 The County Council has considered the Transport Assessment and advises that it has no objection to the development.

Walking and cycling:

- 7.57 The application development's sustainability in transport terms is covered in the submitted Transport Assessment which identifies alternative modes of walking, cycling and public transport.
- 7.58 The table below is taken from the Transport Assessment and provides a summary of walking and cycling times between the application land and key facilities within approx. 5km (3.1miles) of the application land. For journeys of 5km and shorter it is accepted that cycling is a substitute for car trips. As walking distances can vary significantly for individuals, 'preferred maximum' walking distances to key facilities are accepted as being 800m to town centres, 2,000m commuting/school and 1,200m elsewhere. Walking and cycling times are based upon walking and cycling speeds of 1.4m/s (3.2mph) and 4m/s (9mph) respectively.

Source: Transport Assessment.

Facility	Distance from Centre of Development	Walking Time	Cycling Time
Parade of shops on Park Way, including 'Cost-Cutter' branded convenience store, a pharmacy and a Hot Food take-away.	700m	8.5 mins	2.5 mins
Little Paxton Primary School (Gordon Road)	800m	9.5 mins	2.5 mins
Buckden and Little Paxton GP Surgery (High Street)	1000m	12 mins	3.5 mins
Priory Park Infants School (Almond Road)	2100m	25 mins	7 mins
Priory Junior School (Longsands)	2200m	26 mins	7.5 mins
Almond Road GP Surgery	2300m	27.5 mins	7.5mins
St Neots GP Health Centre (Moore's Walk)	2300m	27.5 mins	7.5 mins
Cedar House GP Surgery (Huntingdon Street)	2400m	28.5 mins	8 mins
Longsands Academy School	2500m	30 mins	8.5 mins
St Neots Railway Station	2600m	31 mins	8.5 mins

- 7.59 Note: the distances and times listed in the table assume future residents will walk and cycle through the adjacent Samuel Jones Crescent development towards Mill Lane. For the reasons explained in the following paragraphs, residents of the application development may not be able to travel through the Samuel Jones Crescent development and instead would use a proposed new footway along the south side of the Great North Road. This would add approximately 400m to the journey distances quoted on the table and would add approximately 5 mins and 2 mins to the quoted walking and cycling times respectively.

- 7.60 A condition is recommended to require new pedestrian/cycle paths within the application development to be constructed to connect to the three existing pedestrian/cycle paths in the Samuel Jones Crescent that currently terminate at the application site boundary. These paths provide a direct and convenient route to and from Mill Lane where there are bus stops, and onwards to the village centre and St Neots. They were constructed as a requirement of condition 12 of planning permission 0901203S73 to connect the application land with the Samuel Jones Crescent development.
- 7.61 The paths in the Samuel Jones Crescent development that terminate at the application site boundary cannot currently be relied upon to serve the development as they are not currently adopted as public highway and they are not within the Open Space area shown on Plan 2 in the S106 agreement for planning permission 0901230S73. The County Council has advised (verbally) that it will not consider the paths for adoption until they actually serve development on the application land. This creates an issue because if the paths are not adopted they remain private and the landowner may prevent residents/users of the application development from using the paths. If this happened, walkers and cyclists seeking to travel from the application land to the village and beyond would have to travel along the B1041 Great North Road, which is not a sufficiently safe route for pedestrians and cyclist as there is no footway between the application land and Mill Lane.
- 7.62 The County Council recognises this issue and as a solution is requiring the applicant to commit to providing a footway along the south side of the B1041 to connect the future site access with the existing footway on Mill Lane. The applicants' are willing to provide this before occupation of the first dwelling or business unit and say it can be secured by a 'grampian' condition as the works would be contained within the public highway.
- 7.63 Whilst pedestrian/cycle access through the Samuel Jones Crescent development is more desirable it will not be achievable unless the existing paths are adopted as public highway. It is hoped the paths will be adopted in the near future and therefore it is reasonable to require new paths within the application development to be constructed to connect to the existing paths. However, to account for the possibility that adoption of the paths does not happen, it will be necessary to also secure by condition a new footway alongside the B1041 Great North Road to ensure pedestrian and cycle access to and from the development is achievable.

Public Transport:

- 7.64 The submitted Transport Assessment (section 3.3) reports that Little Paxton is served by bus routes 66 and S14. Service 66, operated by Stagecoach, provides an hourly service between Huntingdon and Eaton Socon via Brampton, Little Paxton and St Neots. Service S14, operated by Saffords Coaches, runs once a day in each direction between Sandy and Little Paxton, via Wyboston, Eaton Socon, Eaton Ford and St Neots. The closest Bus Stops are on Mill Lane
- 7.65 The two bus services to/from Little Paxton are as follows:

Service	Operator	Route	Frequency		
			Mon-Fri	Sat	Sun
66	Stagecoach	Huntingdon – Brampton – Buckden – Little Paxton – St Neots – Eaton Socon	Hourly	Hourly	No service
S14	Saffords Coaches	Sandy – Little Paxton	1 per day	No service	No service

Morning bus services:

7.66 In the morning the first bus to St Neots (service 66 operated by Stagecoach) departs at 07:47, with a journey time of 11 minutes to the Market Square.

7.67 The first bus to Huntingdon departs at 07:16, with a journey time of 52 minutes to arrive at Huntingdon bus station at 8:08

The S14 service by Saffords departs Little Paxton at 08:12. It stops at St Neots station at 08:17 and arrives at Sandy Market Square at 08:46.

Evening bus services:

7.68 In the evening the last bus on Service 66 from St Neots to Little Paxton departs at 17:25, and the last bus from Huntingdon departs at 17:30.

7.69 The Saffords S14 service departs Sandy at 17:28, arriving in Little Paxton at 18:02.

7.70 LHA Officers have assessed the proposal and accept the findings and conclusions of the amended TA in terms of trip generations, roadway capacity and the access and movement strategy. It is therefore considered that a range of facilities offering employment, health, education and social options are accessible from the site by sustainable transport modes.

7.71 A construction traffic management plan is required to ensure the construction traffic is managed and does not harm free flow of traffic during the construction phase, this can be secured by condition.

Parking:

7.72 Precise details will be considered during the Reserved Matters application stage, it is however anticipated that the site can accommodate the quantum of development sought with sufficient parking provision.

Travel Plan:

7.73 provision and implementation of a Residential Travel Plan and Residential Travel Information Pack will be secured by condition 3.

Summary:

- 7.74 In summary, the submitted Transport Assessment (including addendum and Technical Note) demonstrates the proposal would not have a severe cumulative impact on the transport network. A safe means of accessing the public highway from the land can be achieved and opportunities to use sustainable transport modes are present for future occupiers of the site. For these reasons the proposal is sustainable in transport terms.

Residential Amenity:

- 7.75 Local plan policies and the NPPF seek to ensure developments do not have an unacceptable impact upon residential amenity for both existing and future occupiers. The

Noise:

- 7.76 The application is supported by a Noise Assessment undertaken by MAS, which identifies the main source of noise in the area is from road traffic using the A1 and to some extent local road traffic using the Great North Road.
- 7.77 The Noise Assessment was undertaken between 15 and 21 September 2016 and the recommended mitigation measures contained therein are based upon the illustrative Development Framework Plan which the assessment incorrectly refers to as a detailed plan.
- 7.78 This is an outline planning application and it will be for the onward developer of the site to seek detailed approval for the reserved matters, including layout. Therefore the plot specific recommendations in the Noise Report (e.g. in paragraph 6.4: *“At plots 1-11, 22-29, 37-41 and 65-67 windows will need to be kept shut in order to meet acceptable internal criteria”*) should not be secured by condition.
- 7.79 This does not affect the methodology undertaken by the consultants. The Council's Environmental Health Officer is satisfied that the principal findings on the potential noise effects to future occupiers of the dwellings have been properly assessed.

Noise levels within Houses:

- 7.80 BS 8233:2014 *'Guidance on sound insulation and noise reduction for buildings'* states that:
- “in general, for steady external noise sources, it is desirable that the internal ambient noise level does not exceed the guideline values”.*
- 7.81 The guideline values in BS 8233:2015 and World Health Organisation are tabulated below:

Activity	Location	07:00 to 23:00 hours	23:00 to 07:00 hours
Resting	Living room	35 dB LAeq,16h	-
Dining	Dining room / area	40 dB LAeq,16h	-
Sleeping (daytime resting)	Bedroom	35 dB LAeq,16h	30 dB LAeq,8h

7.82 The BS states that:

“Where development is considered necessary or desirable, despite external noise levels above WHO guidelines, the internal LAeq target levels may be relaxed by up to 5 dB and reasonable internal conditions still achieved”.

7.83 At the front of the application site (i.e. close to the B1041) noise levels in the region 58dB LAeq, 16h during the daytime 0700-2300hrs and in the region of 51-52dB LAeq, 8 hours (68dB LAmax, f) during nighttime (2300-0700hrs) were recorded.

7.84 The submitted noise report recommends that a 2m high barrier fence is erected along the entire boundary abutting the B1041 and along 50% of the boundary abutting the Golf Course to reduce daytime noise levels across the site to below 55dB LAeq, 16hour. Without this barrier approx. 19 of the indicative plots would experience noise levels above 55dB LAeq, 16hour.

7.85 Even with the noise mitigation afforded by a 2m high barrier, some of the indicative plots (27 of the plots) will require windows to be kept shut (and an alternative means of ventilation provided) to achieve an acceptable internal noise environment at night time (2300-0700hrs) of 35dB LAeq, 8 hour. The report advises that this can be achieved with standard double glazed windows and acoustic trickle vents to allow sufficient cooling of internal rooms whilst windows are shut. It is not considered necessary to impose a condition requiring the windows to be fixed shut or designed to be non opening, but noise levels in internal rooms will exceed guideline levels if residents choose to open windows.

7.86 The noise report says that noise attenuating effects of standard double glazing will reduce internal noise levels within the majority of the indicative plots to below those guideline levels listed in the table above, provided the additional 5dB relaxation of the WHO guidance is allowed for on the basis that the development is *“necessary or desirable”*.

7.87 Guidance in the PPG (Paragraph: 006 Reference ID: 30-006-20141224) does not preclude the fixing shut of windows to mitigate against noise impact. It advises that if the proposed mitigation relies on windows being kept closed most of the time then a suitable alternative means of ventilation is likely to be necessary and ventilation is a matter for the Building Regulations to determine.

Noise levels in external amenity areas:

- 7.88 The second paragraph of 7.7.3.2 of BS 8233:2014 states:
- "For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T' with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments".*
- 7.89 With a 2m high barrier along the entire boundary abutting the B1041 and along approx. 50% of the boundary abutting the Golf Course, the noise modelling predicts that all indicative plots, with the exception of indicative plot 3, would experience predicted noise levels in garden areas lower than 50dB LAeq, 16 hour. Indicative plot 3 would experience predicted noise levels below 55dB LAeq, 6 hour, in its garden area and this acceptable having regard to the BS.

Conclusion on noise:

- 7.90 The Council's Environmental Health Officer considers that a condition is capable of securing a noise survey based on the actual future layout of the development to ensure that mitigation measures are incorporated into the design of the development to achieve guideline noise levels within houses and their gardens. Care will need to be taken by the onward developer to ensure that internal rooms reliant upon windows being shut to achieve guideline noise levels are fitted with satisfactory means of ventilation.
- 7.91 Contamination - Environmental Health Officers have confirmed that there is no record of any potential contaminant sources on the site that might affect future users of the land or construction site workers or any other environmental medium.

Existing Users:

- 7.92 The impact on neighbouring occupiers must be considered in the context of the land having extant planning permission for employment.
- 7.93 The closest residential neighbours will experience a change in living environment as the currently open field is built upon for the amount of development proposed. Much of the proposed development will occur at some distance from the neighbouring residential properties, but some will be built adjacent to existing properties and close to the site boundary. Any impacts will likely be lesser than the
- 7.94 In terms of built development, the reserved matters application or applications will fully assess the impacts of matters such as overlooking, overshadowing and loss of privacy. It is considered that the amount of development proposed can be accommodated on the application land and configured to avoid significant harm arising to the residential amenity of neighbouring occupiers of land and building.
- 7.95 The effects of construction work and associated activities have the potential to cause harm to residential amenity of existing neighbouring occupiers and future occupiers of the development through effects such as noise and dust. These effects can be

controlled through a construction management plan to be secured and approved as a condition of the planning permission, were it to be granted. Such a condition was imposed on the extant planning permission for employed uses on the land.

7.96 Noise from the domestic activities at residential properties would not cause significant harm to amenity and the commercial element of the proposed development is proposed to fall within use class B1 (offices and light industry) and by definition such a use is accepted not to cause unacceptable harm to neighbour amenity. Noise levels generated by the proposed housing are likely to be lower than those that would be generated by the approved employment uses on the land.

7.97 The NPPF within the core principles states that planning should *"always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"*. It is therefore considered compliant with the aims of the NPPF.

Trees:

7.98 There are few trees on the land application land. The application is not supported by a Tree Survey and neither was the application for the extant employment development. The extant planning permission was granted subject to a condition requiring a tree survey to be undertaken to identify trees worthy of retention and such a condition is recommended to be imposed should permission be granted.

7.99 The Council has confirmed a Tree Preservation Order (L/TPO/17/003) that preserves three groups of Willow Trees (9 Willows in total) that are growing close to the river bank in recognition of their amenity value along the course of the River Ouse. The submitted illustrative Development Framework Plan shows these trees as located within the open space. They are also growing within the flood plain and a condition will be imposed to ensure that no development takes place in the flood plain.

Open Space:

7.100 The Council's Green Spaces Officer has confirmed indicative open space layout is considered acceptable and demonstrates that the open space requirements of the SPD can easily be achieved alongside the amount of development proposed.

Flooding and drainage:

7.101 Approx. 10% of the site area closest to the River Great Ouse is shown by the Environment Agency flood zone map as within Flood Zone 3a and 3b. Objectors have raised flood risk as a reason planning permission should be refused, but such a reason could not be sustained. The Environment Agency has no objection to the application subject to a condition preventing land raising within Flood Zone 3 and such a condition would be imposed. As this application is in outline it is necessary to impose a planning condition preventing development in Flood Zone 3 to ensure that any future layout does not put development at a high risk of flooding.

- 7.102 To prevent an increase in flood risk to third parties, it is necessary to impose a condition securing the detailed design, implementation, maintenance and management of a surface water drainage scheme.
- 7.103 Anglian Water advises the application development will lead to an unacceptable risk of flooding downstream and it recommends that a drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. This can be secured by condition.

Ecology and biodiversity:

- 7.104 Paragraph 109 of the NPPF states that 'the planning system should contribute to and enhance the natural and local environment by:
*protecting and enhancing valued landscapes, geological conservation interests and soils;
*recognising the wider benefits of ecosystem services;
*minimising impacts on biodiversity and providing net gains in biodiversity where possible.'
- 7.105 The application is accompanied by a Preliminary Ecological Appraisal by Aspect Ecology in January 2016 and concludes:
- 7.106 *Ecological Designations* - the site itself is not subject to any statutory or non-statutory nature conservation designations, nor are there any such designations located immediately adjacent to the site. Other statutory nature conservation and non-statutory nature conservation designations are well separated from the site by major roads and residential areas and these ecological designations are unlikely to be adversely affected by the proposed development.
- 7.107 *Habitats* - The majority of the site supports an open arable field under active production. Due to the high levels of intensive management, uniformity and lack of features that typically support protected and/or notable species, this habitat is considered to be of negligible ecological value at the local level. The mature trees and hedgerows that bound the site are likely to provide greater opportunities for a range of wildlife and measures and recommendations are set out in order to safeguard and enhance these features.
- 7.108 *Fauna* - No evidence for the presence of protected species was recorded within the site. However, the habitats within the site provide limited potential opportunities for protected faunal species, including Badger, and nesting birds. Accordingly, a number of recommendations and measures are set out in regard to faunal species in order to ensure that they are safeguarded under the proposals.
- 7.109 *Enhancements* - A number of enhancements for the benefit of biodiversity are available under the proposals with a range of recommendations, including the provision of a new tree and shrub planting, wildflower meadow and the provision of bird boxes, bats boxes and hedgehog domes suggested to maximise opportunities for wildlife at the site.
- 7.110 The Wildlife Trust has confirmed they agree with the ecological assessment provided and conclude that the current ecological

interest of the site is not likely to be significantly impacted by the proposals. Development of the site provides opportunities to secure biodiversity enhancements and a condition can secure that the recommendations provided within Section 6 of the Ecology Appraisal are implemented in full.

- 7.111 The proposal is therefore considered to comply with the NPPF and local policies; given the broad consistency of these policies with the NPPF, En22 can be given full weight and LP28 reduced weight due to the stage of the emerging Local Plan and that policy wording may be subject to change.

Fire Hydrants:

- 7.112 Cambridgeshire Fire and Rescue Service require the provision of fire hydrants be secured through an appropriately worded planning condition; this is considered acceptable.

Refuse Tracking:

- 7.113 This will be a matter for future consideration as part of the layout of the development.

Loss of agricultural land:

- 7.114 The NPPF advises in para. 112 that the economic and other benefits of best and most versatile agricultural land (BMV land) should be taken into account and that where significant development of agricultural land is demonstrated to be necessary, LPAs should seek to use areas of poorer quality land in preference to that of higher quality. Annex 2 of the NPPF defines BMV land to be land in Grades 1, 2 and 3a of the Agricultural Land Classification.
- 7.115 The application site comprises land that is shown by the national agricultural land classification (ALC) map to be in grade 3. Grade 3 is made up of sub-classifications 'a' and 'b'. The applicant has not been asked to undertake a study to determine the precise classification of the land given the extant planning permission for this site, which would result in the entire site being developed.
- 7.116 The Council recognises that the proposal could, assuming the land is within grade 3(a), lead to loss of BMV land, however due to the size of the site (approx. 10ha), it is not considered that the proposed development is 'significant' in the context of the para. 112 when taking into account the threshold for consultation with Natural England is 20ha of BMV land proposed for development.
- 7.117 Whether the agricultural land is BMV is a material planning consideration, but not one that is a determinative issue given the land has extant permission to be developed for employment and in any event the proportion of BMV land in the District and the inevitability that some of it will be lost to make way for new housing to expand existing settlements to meet housing supply targets. Therefore the Council does not have an automatic objection to housing developments of this scale on land that is BMV.

- 7.118 The Council's Local Plan to 2036 - Sustainability Appraisal (SA) Scoping Report, sets out that some 79% of the brownfield land within the District is located at former RAF bases. This Scoping Report, explains the strong agricultural history of the District, with most of Huntingdonshire comprising of good quality agricultural land, mostly classed as grade 2 with only small areas classed as grade 4.

The adjacent golf course:

- 7.119 The application land is situated adjacent to St Neots Golf Club (SNGC), with the 4th and 6th holes being played alongside the boundary. The SNGC are concerned that people and property on the proposed development land (including construction workers) will be at risk of injury and damage by being struck by golf balls hit over the golf course boundary. The SNGC say that from the 4th hole (located approximately in the south east corner of the course) players have hooked or sliced balls onto the application site as they seek to hit balls parallel to the boundary. At the 6th hole (a dog-leg along the north and east boundaries of the course) players have been observed hitting the ball over the course boundary as they play the 170 yard shot towards the boundary with the application land from the corner of the dog-leg to the green.
- 7.120 The SNGC is not opposed to the development of the application land and it is not recorded as having commented on the application for the extant business use of the land (ref. 9002015OUT). SNGC says the matter of who is liable in the event of property damage or injury from golf ball strikes is complex and any increase in the club's insurance premium or legal costs arising from such incidents may pose a risk to the viability of the SNGC. Like many clubs, it regards its finances as finely balanced.
- 7.121 The SNGC suggests two solutions but regards neither as satisfactory. These are a 40ft high ball catch fence/net or reconfiguration of the golf course. The catch net would be unsatisfactory because it would catch birds, be visually harmful and necessitate ongoing maintenance and repair. Reconfiguration of the course would be costly and disruptive.
- 7.122 The SNGC in support of its concerns draws attention to the decision of the High Court (East Meon Forge & Cricket v. East Hampshire DC & Ors 2014) to quash a planning permission granted in Hampshire for a first floor flat and deck adjacent to a cricket pitch. The Judge ruled that occupants of the flat and deck would be vulnerable (to cricket ball strike) and the cricket club liable for damage and injury caused.
- 7.123 Officers have had regard to this Court Decision, but do not consider that that case is directly comparable to this application. In the case of East Meon the East Hampshire Council secured mitigation measures that Sport England had advised were unenforceable, but failed to secure a permanent ball-stop fence that was required. The judge ruled the Council failed to have proper regard to the representations made by Sport England, a statutory consultee, about the potential conflict between the use of the recreation ground for cricket and the residential use of the flat.

- 7.124 In the case of this application, Sport England's advice has been adhered to and this is recorded in the following paragraphs. Sport England is not a statutory consultee for this application.
- 7.125 A meeting was held at the golf course with representatives of SNGC, Sport England, England Golf, the applicant's agent and the case officer. The 4th and 6th holes were inspected and play on these holes was observed. Mitigation measures were discussed and revisions to the indicative layout were prepared by the applicant's agent and shown on drawing which proposes:
- 80m buffer from the approximate line of play on the 4th hole. Soft planting and SUDS features are indicatively shown as located in the buffer zone to lessen the area of open land usable by the public for amenity and probability of ball strike. No built development within the buffer.
 - 2m high fence along the full length of the boundary with the golf course.
 - 60m buffer from the approximate line of play on the 6th hole. Soft planting and SUDS features are indicatively shown as located in the buffer zone to lessen the area of open land usable by the public for amenity and probability of ball strike. No built development within the buffer.
- 7.126 The SNGC has considered the mitigation measures listed above but maintains that the risks of people on the application land being struck by golf balls hit over the boundary - particularly from the 4th hole - had not been given sufficient weight by the applicant.
- 7.127 Officers note the concerns raised by the SNGC but concur with Sport England that the indicative landscape buffer between the golf course boundary and the proposed new housing area, which includes planting and may include SUDS, will likely discourage) the number of people from using the land closest to the golf club boundary, reducing but not eliminating the probability of a ball-strike. The proposal would therefore achieve a reasonable balance between protecting the interests of the golf club, against the interests of the applicant seeking to develop the site in a way that minimises any dangers from golf balls leaving the site.
- 7.128 The implementation of the mitigation measures listed above and shown indicatively on the drawings would be secured by condition through a future reserved matter submission. The timetable for implementation of these measures would be agreed with a future developer of the site. Given the scale of the site it is anticipated that the development would take in the region of the 5 years to be developed and therefore planting within the 60m and 80m buffer zones could be implemented a number of years before houses are built on the part of the site closest to the golf course.
- 7.129 For these reasons it is considered that a refusal to grant planning permission on the basis of the health and safety risk posed to people and property being struck by golf balls would not be sustainable.

INFRASTRUCTURE REQUIREMENTS AND PLANNING OBLIGATIONS:

- 7.130 Statutory tests set out in the Community Infrastructure Regulations 010 (Regulation 122) require that S.106 planning obligations must be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development. S.106 obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.
- 7.131 Without prejudice to the eventual determination of the planning application, negotiations have been held with the applicants in order to determine the extent of the obligations required to make the development acceptable. These negotiations have been held in line with the advice within the Regulations and the outcome is summarised below. Other relevant matters will be addressed via specific planning conditions.
- 7.132 The Planning Obligations SPD sets out within Part 2 that in determining infrastructure needs, the Council and partners have had to translate dwelling numbers into population generation. This has been undertaken utilising the anticipated change in average household sizes. For the purposes of calculating the likely infrastructure requirements, the 2016 average household size has been used (2.25 people per household). With the development description stating up to 199 dwellings this equates to up to (199 x 2.25) 448 people.

Community Infrastructure Levy (CIL):

- 7.133 This application site is for a small-scale major development (under 200 dwellings) and therefore CIL payments will contribute to off-site infrastructure, which may include footpaths and access, health, community facilities, libraries and lifelong learning, and education. If in future the developer gains permission to develop adjacent land as a second phase of this development and the number of residential units on both sites exceeds 200, then negotiated contributions for infrastructure would be sought.

Health Infrastructure:

- 7.134 Objectors say the doctor and dental surgeries and schools cannot cope with additional development in the area. As this application is a small-scale major development for less than 200 dwellings, S106 contributions for education and health cannot be sought as these should be funded through the Community Infrastructure Levy. Notwithstanding this, advice has been sought from both Cambridgeshire County Council Education and NHS England to establish whether there are capacity issues and how this may impact upon the wider sustainability considerations of the scheme.
- 7.135 Little Paxton Surgery is the only surgery within a 2km radius of the application land and the NHS has confirmed that it does not have sufficient capacity for the additional growth resulting from this development and cumulative development growth in the area. The NHS correctly identifies that it cannot seek a S106 contribution, but it

will seek a proportion of the required funding for the provision of increased capacity from Community Infrastructure Levy receipts.

Education and Schools

- 7.136 The County Council as Education Authority correctly acknowledges that it cannot seek to negotiate contributions to education provision from this development as it proposes fewer than the 200 dwellings. However, should the number of dwellings reach the 200 threshold, the costs and contributions the County Council would seek to mitigate demand placed on education infrastructure are as follows and equate to £3,826,280.

Early years:

- 7.137 The only preschool in Little Paxton accommodates 25 children at any one time so can offer 50 children their free 15 hours of early years education. The preschool is currently full and last term had waiting lists. In 2017/2018 there are 61 children requiring a funded place. The preschool will not have capacity to accommodate the additional 30 children that the application development would generate. There is a project costing £1,500,000 planned to provide a 52 place EY facility. If the County was able to secure a contribution for the 30 places expected to be generated by this development, it would seek £865,380 based on each place costing £28,846 (28,846 x 30).

Primary:

- 7.138 Little Paxton primary school currently has a Pupil Admission Number (PAN) of 34 which is to be increased to 60 in September 2017 by extending the school to 2 Form Entry at a cost of £3,513,000. The application development would generate 70 additional children and if the County was able to secure a contribution to extend the school it would seek £2,049,250 (i.e. £29,275 x 70). However, this would not be sufficient to accommodate all children generated by this development, so other schools would be required to accommodate children from this development. The next closest school is Priory Park, but this is full at present as it is taking additional children who cannot be accommodated at the Roundhouse school on Loves Farm. The next closest school is Eynesbury Primary at a travel distance of 3.3km (2 miles away) from the application site and this school is expected to have capacity until 2019.

Secondary:

- 7.139 The County Council advises that Longsands Academy is currently full and does not have capacity for the additional 50 children forecast to be generated by the application development. A project to expand the School to accommodate children that new developments in St Neots would generate is in the Capital Programme for 2022 at an estimated cost of £10,940,000. If the County was able to secure a contribution to this project from the application development it would seek £911,650 (i.e. £18,233 for each of the 50 pupil places)
- 7.140 The County Council is aware the Secondary School places is a matters for consideration as part of CIL regulations and would seek to

secure some funds for these projects by including them on the District Council's Community Infrastructure Levy List through due process.

Libraries and life-long learning:

- 7.141 If it was able to seek a contribution to Library services, the County Council would seek £42.12 per head of population forecast to be generated by the development, equating to £18,870.

Affordable Housing:

- 7.142 The site is over 0.5 hectares in size and Core Strategy Policy CS4, the Developer Contributions SPD (part A) and Draft Local Plan 2036 policy LP25 seek to achieve a target of 40% affordable housing on sites of this size. With the proposed number of dwellings of up to 199 this would equate to a total of 80 units. The policies indicate that provision should be made on site and should seek to achieve a target tenure split of 70% social rented and 30% shared ownership. Policy does however acknowledge that, in determining the amount and mix of affordable housing to be delivered, site specific considerations and other material considerations, including viability, will be taken into account.
- 7.143 In this instance no site specific considerations have been submitted and therefore the proposal shall provide policy compliant affordable housing provision.

Green Space:

- 7.144 In accordance with the SPD, this development requires in the region of 9400m² (0.949ha) of POS including 3580m² (0.358ha) of continuous green space.
- 7.145 The submitted illustrative Development Framework Plan confirms that with 199 dwellings provided on site, an over provision of open space could be achieved as set out below:

	Area Required (ha) <i>Based upon population of 448 and 2.12ha of Land per 1000 population</i>	Area proposed (ha) <i>As detailed on Open Space Strategy Plan</i>
Parks and Gardens	0.215	
Natural & Semis Natural Green Space	0.103	
Allotments & Community Gardens	0.143	
Amenity Green Space (Amenity space to comprise of 0.186ha casual space for play; 0.085 equipped play facilities and 0.098ha of left over green space)	0.488	

Total Informal space	0.949	2.5ha (estimated)
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- 7.146 The Council's Green Spaces Officer has confirmed that the necessary provision of Green Space and Play on the site can be achieved around the quantum of development sought and is therefore acceptable. The precise open space details would be established through the S106 agreement and reserved matters details.

Residential Wheeled Bins:

- 7.147 Each dwelling will require the provision of one black, blue and green-wheeled bin. The cost of such provision in 2017/18 is £73.65. For flats within the development, communal 1100 litre bins could be provided rather than individual bins for each dwelling. The cost for communal bins in 2017/18 is £669.00. As such a formula based approach is suggested with the scheme and details to be secured through the Section 106 Agreement.

Highways:

- 7.148 No contributions have been requested.

Responses to representations:

- 7.149 Officers are aware of the sense of feeling expressed by some objectors that Little Paxton has seen too much house building in recent years, but this application must be considered on its own merits and planning policy sets no upper ceiling on the number of homes in Little Paxton or the District as a whole.
- 7.150 Concerns over school capacity are addressed above. The comment expressed by one objector that sending pupils to schools beyond the village does not help to build a community is noted, but there is no objection from the County Council as Local Education Authority.
- 7.151 Increased demand on health facilities is noted and addressed above.
- 7.152 It is noted that local clubs for children are reportedly full with long waiting lists, but the availability of such clubs is given little weight in the planning balance as such recreational clubs are not essential infrastructure for new housing.
- 7.153 The village is a designated Key Service Centre and is considered to have a satisfactory range of amenities and facilities for the scale of housing proposed, with a greater range available in nearby St Neots. There is no reason to consider that the services and amenities in St Neots are insufficient to support planned developments at Loves Farm development (HDC ref. 1300388OUT) and Wintringham Park (HDC ref. 1300178OUT), both of which are being considered.
- 7.154. Officers concur with objectors that a majority of economically active new residents will seek employment elsewhere and will commute to work; even accounting for the proposed employment on the site. This is commonplace in a rural District like Huntingdonshire which experiences net out commuting and it does not amount to a reason for refusing to grant planning permission.

- 7.155 Flood risk is addressed above.
- 7.156 The majority of objections to this application concern its impact on highway capacity (road congestion) and the safety of road users. These objections are noted and are addressed above.
- 7.157 Concerns that Community Infrastructure Levy receipts from the development will be spent not on infrastructure in Little Paxton, but on the Huntingdon West Link Road are noted. Officers advise that CIL monies can only be spent on projects listed in the Council's CIL regulation 123 list. Projects eligible to receive CIL funds from the development will be those listed on the regulation 123 list at the appropriate time when the levy becomes payable.
- 7.158 Concerns that a lack of community facilities on the adjacent development led to an increase in crime in Little Paxton is noted but no evidence has been submitted to support this assertion and there is no objection to the development from the Police.
- 7.159 The objection of the St Neots Golf Club that it will be held liable for damage/injury caused by balls being hit from the course and into the proposed development are noted and addressed above.
- 7.160 Concerns that construction noise will impact on living conditions of adjacent occupiers, especially those suffering ill-health, are noted but no objections are raised by Environmental Health Officers.
- 7.161 Devaluation of existing property is not a material planning consideration.
- 7.162 Doubts over the need for commercial/business units in Little Paxton given vacant units in St Neots and fact the land has had employment permission since the early 1980's are noted, but the fact remains the land has outline planning permission or business development. Any future application for the commercial/business area to be built on for houses will be determined on individual merit.
- 7.163 Concerns over harm to wildlife are addressed above.
- 7.164 Officers note the concerns expressed over the adequacy of consultation, but there is no requirement for the applicant to undertake a public consultation exercise. The District Council has undertaken all necessary public consultation.
- 7.165 Being an application in outline, there are no details of scale, layout and appearance of the development, nor are there any details of parking standards. These details are reserved for future consideration and will be the subject of public consultation.
- 7.166 Concerns over air pollution are noted but the land is not in an Air Quality Management Area and the Environmental Health Team has no objection to the proposal.
- 7.167 The suggestion that Trees along the river frontage should be preserved by TPO is noted. A TPO has now been served on the Willow Trees specified earlier in this report.

- 7.168 The report that cattle suspected of anthrax contamination are buried under the land is noted. The Environmental Health team has been made aware of this report. The team has no objection to the development and for other reasons an investigation of the land for contamination is recommended.
- 7.169 Officers are satisfied that there is sufficient land available to ensure that the scale, layout and appearance of the development avoid unacceptable overlooking of neighbouring properties.
- 7.170 It is suggested that the application has been described incorrectly as part of Riversfield, whereas the application land covers the entire Riversfield. Eitherway, the land the subject of this application is clearly shown on the submitted plans.

Planning balance and conclusions:

- 7.171 The duty on the Local Planning Authority is to determine a planning application in accordance with the development plan, unless material considerations indicate otherwise.
- 7.172 The application development conflicts with the locational criteria in policy CS3 of the Core Strategy, which restricts new development to the built up area of a settlement to seek to achieve the objectives of accommodating housing where the best levels of services and facilities exist and to protect the character of smaller villages and the countryside.
- 7.173 Little Paxton is a Key Service Centre that has some shops, services, a GP Practice and primary school, but it is a fact of the location that residents would need to travel elsewhere to access higher level services and employment. However, higher level services, employment and a mainline railway station are close-by in St Neots and can be accessed by public transport as recorded in the table above. The application development would therefore meet the objective in policy CS3 of accommodating housing where the best levels of services exist.
- 7.174 The application development would cause minor and relatively localised harm to the character and appearance of the area when considered against the baseline of the application land in its undeveloped form. It would preserve the character of the village, the wider landscape and the adjacent conservation area. The harm would be even less when considered against the impact of the approved employment development, which could be built out. Harm is not the same as a benefit because harm is still harm. All the same, the application development would not conflict with the wider objective in policy CS3 of protecting the character of smaller villages and the countryside. The proposal is also consistent with policy CS1 which sets the criteria for sustainable development. The reserved matters could deliver a high quality development in accordance with policy HL5.
- 7.175 Benefits will accrue from the proposed development. It would deliver up to 199 market homes, of which 40% would be secured by S106 agreement as "Affordable" under the NPPF definition. Housing is a

social benefit with affordable housing attracting significant weight in the planning balance. The weight given to housing more than outweighs the loss of land that could have been developed wholly for employment uses. The provision of 6970 sqm of employment floor space and the potential for long term job creation and economic activity on the land is also considered to attract weight.

- 7.176 Economic benefits will also accrue from job creation both in the short term during the construction and in the longer term through the additional population assisting the local economy through spending on local services/facilities and in local business. The weight attached to these benefits is tempered by the fact that they would not be wholly confined to Little Paxton or indeed the District given the supply chains involved in construction and the dispersed nature of resident spend. Furthermore no evidence that Little Paxton is economically struggling and in need of the spend generated by additional residents has been submitted.
- 7.177 Environmental benefits accruing from the proposal include biodiversity enhancement, additional landscaping and provision of public open space. These are considered to attach limited weight in the planning balance as they are largely a policy requirement to mitigate against harms created by the proposal that would not otherwise have arisen.
- 7.178 In weighing up the benefits and disbenefits of the application development, it is concluded that it would be a sustainable form of development within the meaning in the NPPF. The benefits expected to accrue from the proposal would firmly outweigh the disbenefits, and this constitutes the “good reason” required to grant planning permission contrary to the development plan.

8. **RECOMMENDATION**

MINDED TO APPROVE subject to the prior completion of a Section 106 obligation to secure affordable housing, open space and funding wheeled bins, and subjection to conditions to include those listed below.

OR

REFUSAL in the event that the obligation referred to above has not been completed and the applicant is unwilling to agree to an extended period for determination, or on the grounds that the applicant is unwilling to complete the obligation necessary to make the development acceptable.

- Timing of commencement and submission of the ‘reserved matters’
- Reserved matters are to accord with the general design principles set out in the Design and Access Statement and Development Framework Plan (except for maximum heights for dwellings).
- Phasing of CIL payments
- maximum of 199 dwellings and 6,970 of B1 business floor space across 0.8ha.
- levels of site and finished floor levels of buildings

- provision of 2 metre wide footway from the site access on Great North Road, running north along Great North Road to join the existing footway near Mill Lane.
- provision and implementation of a Residential Travel Plan
- provision and implementation of a Residential Travel Information Pack
- construct access paths to boundary with adjacent development to connect to existing paths.
- no development or land raising within Flood Zones 3a or 3b contour.
- Foul water drainage strategy
- Surface water drainage strategy; storm water design & construction
- Affordable housing provision at 40%
- Construction traffic and environmental management plan
- Construction hours restriction to reduce noise impact for neighbours
- Acoustic/noise attenuation measures as part of the reserved matters application for layout, scale and appearance of development.
- Contamination assessment
- Fire hydrants
- Reserved matters shall include a scheme to minimise the risk of golf ball strikes based on the measures listed in this report.
- Biodiversity enhancement
- Otter and Water Vole surveys prior to commencement of development.
- Remove chain-link fence: each reserved matters application for land occupied by the fence shall include a timetable for its removal.
- Tree survey and protection scheme.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

CONTACT OFFICER:

Enquiries about this report to **Mr Gavin Sylvester Senior Development Management Officer 01480 387070**

Development Management Committee

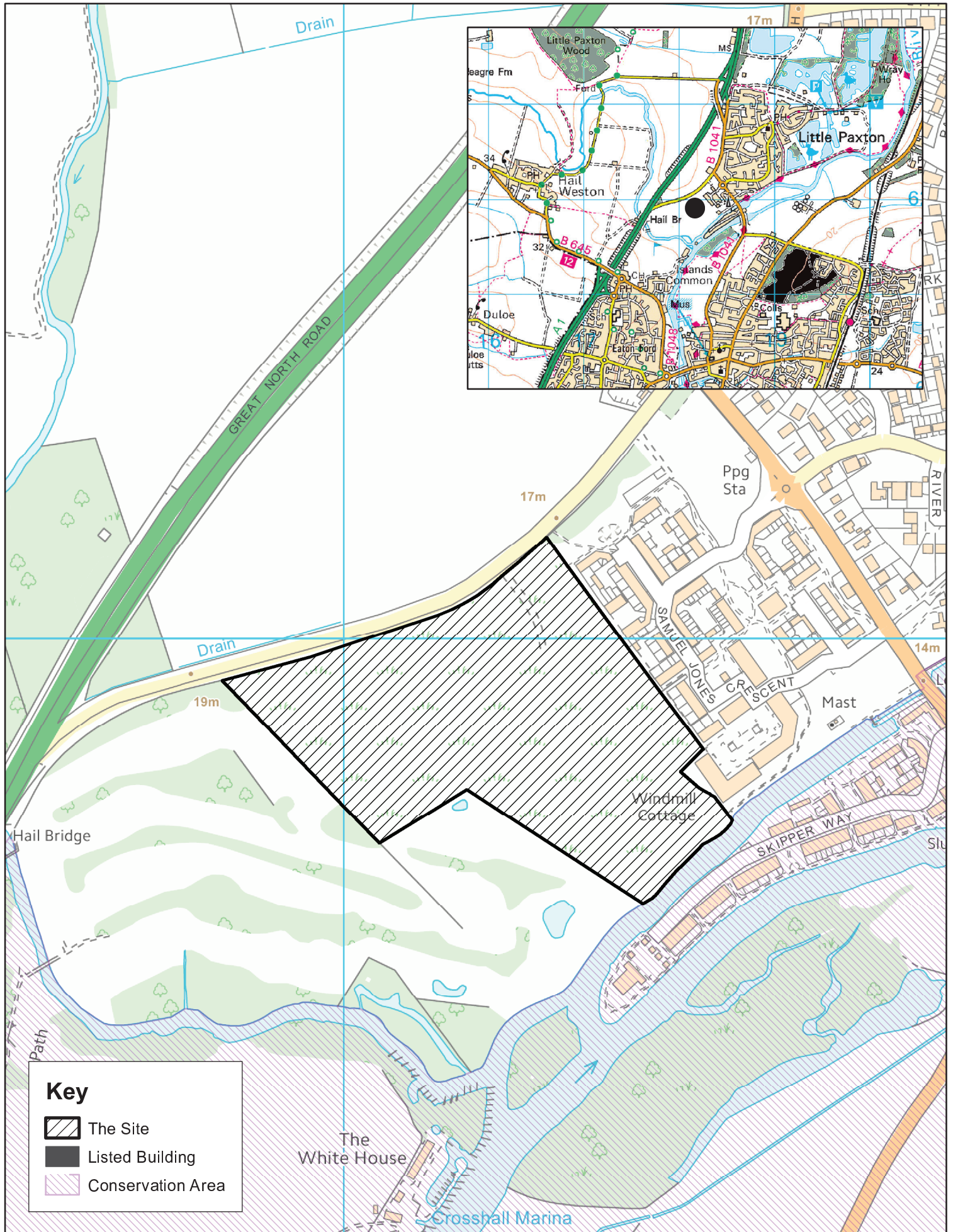


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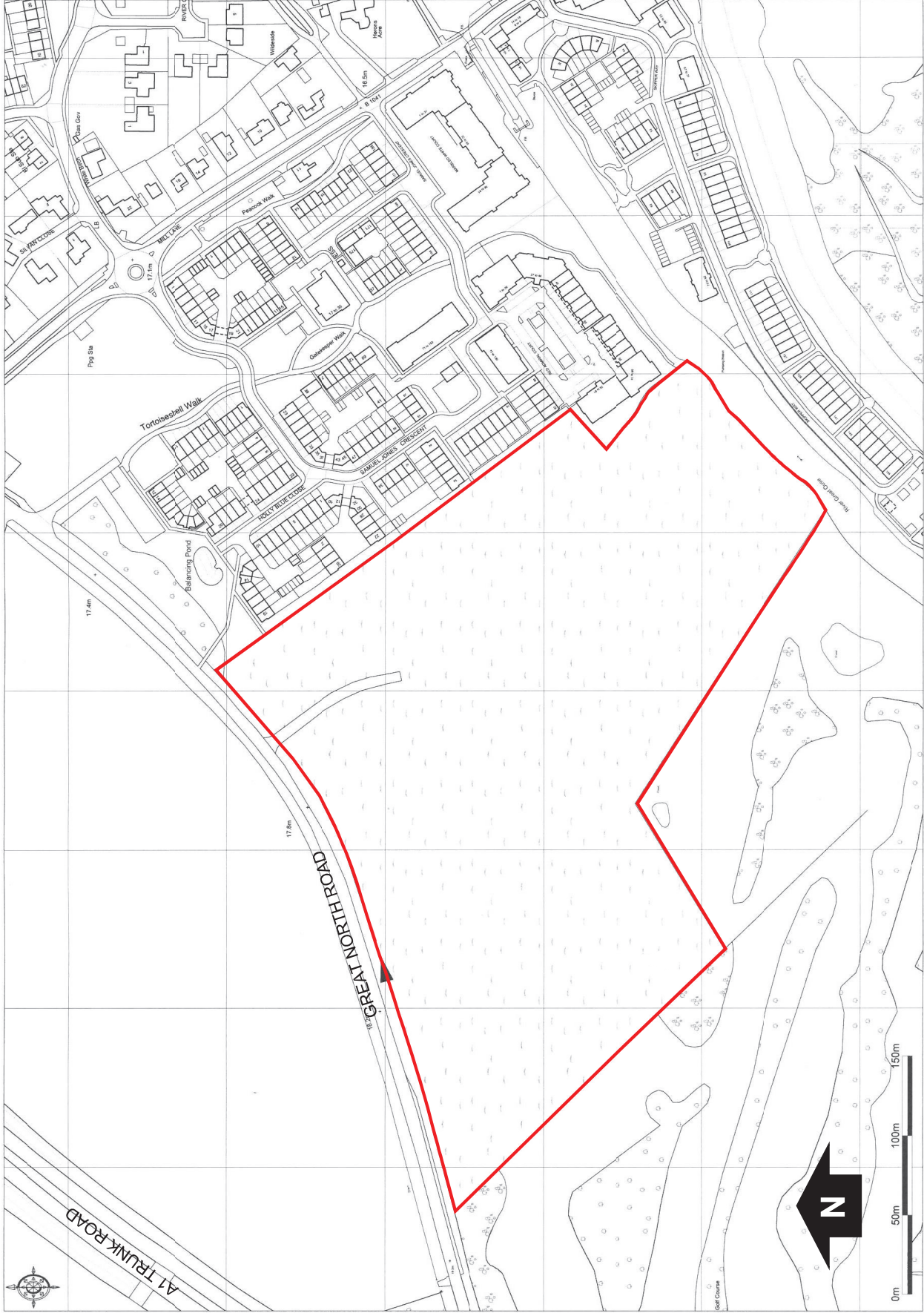
Date Created: 04/10/2017

Location: Little Paxton



PROPOSED DEVELOPMENT OF UP TO 199 DWELLINGS AND 6,970 SQ. METRES (75,000 SQ. FT) OF CLASS B1 BUSINESS PREMISES ON LAND AT RIVERSFIELD, GREAT NORTH ROAD, LITTLE PAXTON, ST. NEOTS, CAMBS. PE19 6EH

LOCATION PLAN



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Scale 1:2500

Plan No. W-507P

