

DEVELOPMENT MANAGEMENT COMMITTEE

17 September 2018

Case No:	18/01492/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:	16.07.2018
Parish:	LITTLE PAXTON

RECOMMENDATION – APPROVE

This application is referred to the Development Management Committee 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) the development is not in accordance with the Council's development plan.

- i. This application seeks planning permission for the same development as that refused planning permission (ref. 17/00108/OUT) by the Committee at the October 2017 meeting for the following reasons:

1. *Reason.*

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.

2. *Reason.*
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.

- ii. Copies of the October 2017 DMC report and late representations are included as 'green paper' items.
- iii. In April 2018 the applicants' lodged an Appeal (ref: APP/H0520/W/18/3200754) against the Council's refusal of planning permission ref. 17/00108/OUT.
- iv. At the June 2018 DMC meeting, in preparation for Appeal, the Committee considered a report by the Planning Service Manager advising it to review the case in light of material changes in circumstances that had occurred since planning permission was refused. The minutes record that the Committee resolved to defend the reasons for refusing planning permission. Copies of the DMC report and the late representations and evening update are attached as 'green paper items'.
- v. At the DMC meeting the following month (July 2018), the Committee considered an additional report by Councillors Ablewhite and Conboy, which included a Barrister's opinion on the merits of the Council's Appeal case and likely costs. The Council resolved not to defend at Appeal the reasons for refusing planning permission. Officers notified the Planning Inspectorate the following day.
- vi. A copy of the Councillors report to the July 2018 DMC meeting is attached as a 'green paper item'.
- vii. In light of these actions, the Committee is recommended to grant planning permission to this development, which is the same as that refused planning permission (ref. 17/00108/OUT) by the Committee at the October 2017 meeting; an Appeal the Council will not be defending.
- viii. The Officer recommendation is:

APPROVE subject to the conditions listed in Section 8 of this report and 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.

- ix. If members are minded to grant planning permission to the development, the Council is procedurally 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.
- x. The Secretary of State has 21 days to decide whether to call-in the application following receipt of the requisite details of the application.
- xi. When made, Officers will notify the Planning Inspectorate of the Committee's recommendation. If permission is granted, the applicants' may choose to withdraw their Appeal, which is programmed to be heard at a Public Inquiry in 2019.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application site is undeveloped land 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 4 below. The land has extant planning permission for the erection of buildings for business and employment uses (use classes B1 and B2). This permission was granted in 2015 and has yet to be implemented. Applications for reserved matters are being considered and these are listed in section 4 below.
- 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, off 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 greater than 1% in any one year (flood zone 3).
- 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.
- 1.7 This planning application has been advertised as a 'departure' from the Development Plan as the proposed development is contrary to provisions of policy CS3 of the Core Strategy 2009. The application must be considered against the Development Plan as a whole and the relevant material considerations as part of the planning balance.
- 1.8 The application was submitted with the following technical reports and documents.
- Ground Investigation Report (2016)
 - Archaeological Trial Trench Report (2010)
 - Anglian Water Pre Planning Report (2016)
 - Ecological Assessment (2018)
 - Badger Survey (2018) – confidential for Badger welfare
 - Noise Impact Assessment Reports (2016)
 - Flood Risk Assessment and Drainage Strategy (2018)
 - Transport Assessment Report (2018)
 - Residential Travel Plan (2017)
 - Workplace Travel Plan (2017)
 - Planning, Heritage, Design and Access Statement
 - Draft S106 agreement

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (24th July 2018) (NPPF 2018) sets out the Government's planning policies for England and identifies three overarching objectives (economic, social and environmental) to be pursued in mutually supportive ways in order to contribute to the achievement of sustainable development. Paragraphs 10 and 11 of the NPPF 2018 identify a presumption in favour of sustainable development. NPPF 2018 replaced NPPF 2012 in July 2018. HDC submitted their Local Plan on 29 March 2018. Transitional arrangements are in place for Local Planning Authorities which submitted Local Plans for examination prior to the 29 January

2019 to ensure consistency. Accordingly, NPF 2012 policies will continue to be relevant.

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 2011

Draft planning policy:

3.4 Draft Huntingdonshire Local Plan to 2036: Proposed Submission 2017 (as amended for submission March 2018):

- LP1: Amount of Development
- LP2: Strategy for Development
- LP3: Green Infrastructure
- LP4: Contributing to Infrastructure Delivery
- LP5: Flood Risk
- LP6: Waste Water Management
- LP7: Spatial Planning Areas
- LP11: The Countryside
- LP12: Design Context
- LP13: Design Implementation
- LP15: Amenity
- LP16: Surface Water
- LP17: Sustainable Travel
- LP18: Parking Provision and Vehicle Movement
- LP20: Rural Economy
- LP25: Affordable Housing Provision
- LP26: Housing Mix
- LP32: Biodiversity and Geodiversity
- LP33: Trees, Woodland, Hedges and Hedgerows
- LP36: Heritage Assets and their Settings
- LP39: Ground Contamination and Groundwater Pollution

3.5 The LPA considers the Local Plan to 2036 to be a sound plan and it was submitted for examination on the 29th March 2018. Footnote 22 of NPPF 2018 states during the transitional period for emerging plans submitted for examination (set out in paragraph 214 of NPPF 2018), consistency should be tested against the previous Framework published in March 2012. The plan has therefore reached an advanced stage and is consistent with the policies set out within the NPPF 2012. Given the transitional arrangements in place it is considered that if there is any tension between emerging policies and NPPF 2018 the previous framework policies will prevail.

3.6 Supplementary Planning Guidance / Other relevant documents:

- St Neots Conservation Area Character Assessment 2006.
- Huntingdonshire Design Guide 2017
- Huntingdonshire Landscape and Townscape Assessment 2007

- Huntingdonshire Strategic Flood Risk Assessment 2017
 - Cambridgeshire Flood and Water Supplementary Planning Document (2017)
 - Huntingdonshire Employment Land Study 2014
 - Huntingdonshire Developer Contributions Supplementary Planning Document (2011)
 - RECAP CCC Waste Management Design Guide (CCC SPD) 2012
- 3.7 The Council's Annual Monitoring Review (AMR) dated December 2017 records a 5 year housing land supply (including a 20% buffer to account for previous persistent under delivery) of 5.78 years.
- 3.8 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.
- 3.9 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 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 following the October 2017 DMC, with further case reviews at the June and July 2018 DMC meetings following the lodging of the Appeal. Copies of the DMC reports and late representations are included as 'green paper' items.
- 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. Copies of the Decision Notice, Committee Report and Drawings are included as a 'Green Paper' item. 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 **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, and contrary to National planning Policy Framework paragraphs 64, 66, 70, 72, 73, 79, 80, 93-97, 99-104, 109, 110, 112, 114, 116-121, 123, 125, 150-152, 155-162, 165, 166, 170-182, 192, 197.
- 5.3 **Cambridgeshire County Council Transportation** – NO REPLY, any reply will be reported at or before the meeting. No objection was lodged in respect of the previous application, 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. The proposed means of surface water disposal does not affect Anglian Water assets and should be agreed with the Lead Local Flood Authority.
- 5.5 **Cambridgeshire Fire and Rescue** - NO REPLY, any reply will be reported at or before the meeting. No objection was lodged in respect of the previous application 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. No requirement for further works and have no objection to development proceeding in this location.
- 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 as Lead Local Flood Authority**- NO OBJECTION 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 REPLY, any reply will be reported at of before the meeting. No objection was lodged in respect of the previous application
- 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 REPLY, any reply will be reported at of before the meeting. No objection was lodged in respect of the previous application 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 the proposed 40% affordable housing (80 units).
- 5.14 **HDC Green Space** - NO OBJECTIONS subject to a 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 per Natural England's response to the previous applications in letters dated 22 February 2017 and subsequent emails of 3 July 2017 and 24 July 2017 (ref. 207587), including advice on the provision of sufficient green infrastructure to minimise recreational pressure impacts to Little Paxton Pits and St Neots Common SSSIs. Following recent updates to Natural England's Impact Risk Zones (IRZs) the proposed development in this location triggers potential recreational pressure impacts to those designated sites.
- 5.17 **NHS England** - NO REPLY, any reply will be reported at of before the meeting. No objection was lodged in respect of the previous identical application and the NHS advised 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. As the revised planning application includes the same indicative layout, Sport England's view remains the same and the scheme is considered to adequately protect the interests of the existing golf course, in line with Sport England Planning Policy Objective 1. England Golf has been consulted on this revised application, and they remain supportive of the revised indicative layout.
- 5.19 **Wildlife Trust** - NO OBJECTIONS subject to conditions. If the application is approved there will need to be a planning condition requiring the undertaking of the recommended additional protected species surveys, including for bats and badgers, prior to commencement of development, and the implementation of mitigation measures identified in this ecological report together with all further recommendations for mitigation measures from the additional surveys, and to secure a net biodiversity gain.
- 5.20 **Cadent Gas Network** – low and medium pressure gas pipes are location in the vicinity of the site and the developer is required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

6. REPRESENTATIONS

- 6.1 13 representations of objection have been submitted. The grounds for objection are summarised as follows and in no particular order:
- 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 and increases vehicle trips.
 - increased demand on health facilities and other amenities in the village (small shop, takeaway, pharmacy) which are inadequate and insufficient to serve the existing populations.
 - significant increase in traffic and doubts over the accuracy and robustness of the applicants' Transport Assessment and the models underpinning the assessment.
 - 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) and there are concerns over the load bearing capability of the ancient bridge over the river.
 - slip road joining the southbound A1 is dangerous to highway safety and numerous accidents have been recorded. A new slip road/junction with the A1 is needed.
 - HDC will be the main financial beneficiary and will spend the Community Infrastructure Levy in locations other than Little Paxton

- construction noise and dust will impact on living conditions of adjacent occupiers.
- there are plenty of underused/vacant commercial/business units in St Neots; no more are required.
- likely that additional homes will be built in place of the employment buildings.
- no significant employers in the village, forcing residents to travel to access employment.
- the area is designated as flood plain.
- harm to wildlife; red kites and barn owls are frequently seen in this area.
- there are better sites for housing elsewhere and this development will contribute to changing the character of Little Paxton from a peaceful rural village to a St Neots suburb.
- The walk to the new Co-op at Little Paxton (permitted by HDC in June 2017 ref. 16/02706/FUL) approx. 1km away will be dangerous.

7. ASSESSMENT

- 7.1 The Planning and Compulsory Purchase Act 2004 (Section 38(6)) identifies that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. This is reiterated within paragraphs 2, 11 and 47 of the NPPF 2018. Under section 70(2) of the Town and Country Planning Act 1990 when dealing with planning applications, the Local Planning Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.
- 7.2 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 Huntingdonshire Local Development Framework Core Strategy (2009)
 - Huntingdonshire West Area Action Plan 2011
 - Cambridgeshire & Peterborough Minerals and Waste Development Plan Core Strategy 2011
 - St Neots Neighbourhood Plan
 - Godmanchester Neighbourhood Plan
 - Houghton and Wyton Neighbourhood Plan
- 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; *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor* [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a

material consideration and significant weight may be given to it in determining applications.

7.5 Material considerations do not displace the statutory duty of the Council to determine planning applications in accordance with the development plan.

7.6 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.

7.7 This report assesses the following principal, important and controversial issues:

- principle of development;
- landscape and visual impact;
- impact on heritage assets;
- accessibility and the impact on highway safety;
- flood risk;
- ecology and biodiversity;
- impact on the amenity of neighbours;

7.8 The fundamental assessments to be made:

- whether the proposed development conflicts with the policies outlined in the Development Plan;
- if a conflict is identified, whether the application can be considered to be in accordance with the Development Plan when taken as a whole;
- if the proposed development is not in accordance with the Development Plan, whether there are any material considerations, including emerging policies in the Local Plan to 2036 and the NPPF, which indicate that planning permission should be granted.

Principle of development:

Housing:

7.9 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".

7.10 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 located within the built-up area of a settlement 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 to protect the character and scale of smaller villages and the countryside.

- 7.11 The definition of “built up area” was to be set out in more detail in a Development Management DPD but that did not progress 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.
- 7.12 The proposed development conflicts with Core Strategy 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. The LPA considers that the NPPF has a slightly more positive approach to development in the countryside than Policy CS3 and this inconsistency requires a reduction in the weight afforded to the policy. The degree of conflict between the CS3 and the NPPF does not carry a significant amount of weight, given the inconsistencies between these policies and the NPPF.
- 7.13 The application land is shown by the Huntingdonshire 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.
- 7.14 In this instance there is a conflict between the different approaches in the Huntingdonshire Local Plan 1995 and Core Strategy 2009 to defining the extent of a settlement. This 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, and therefore little weight should be attached, in this instance, to Local Plan policies H23 and En17.
- 7.15 The application land is not a residential allocation in the 2002 alteration of the Local Plan.
- 7.16 It would have been prejudicial to the outcome of this application to propose to allocate the land in the Huntingdonshire Local Plan to 2036. 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.
- 7.17 The NPPF is a material consideration capable of attracting significant weight in the determination of a planning application. In order to satisfy the requirements of the NPPF to boost housing supply the Council must demonstrate an up-to-date five year supply of deliverable housing sites to meet its objectively assessed need, with an additional buffer to ensure choice and competition in the market

for land; this requirement is set out in paragraph 73 of the NPPF 2018.

- 7.18 Due to under delivery in recent years the buffer to be applied for the District is 20%. The December 2017 Annual Monitoring Review applies the 20% buffer and demonstrates that the Council has a five year supply of housing land.
- 7.19 The Development Plan policies relevant to the supply of housing are policies En17 and H23 of the Huntingdonshire Local Plan 1995 and policies CS2 and CS3 of the Huntingdonshire Core Strategy 2009. These policies were adopted to deliver a much lower Objectively Assessed Housing Need figure (OAHN) and strict application of these policies would result in a failure to achieve the current OAHN figure that the Council has identified as part of the emerging Local Plan to 2036. These policies are therefore no longer fully up-to-date or consistent with the NPPF and, at this time and until the Council adopts the Local Plan to 2036 with up-to-date policies, the 'tilted balance' as set out within the 4th bullet point of paragraph 11 is engaged.
- 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 and the floor areas to be allocated to each B1 component, and reserved matters for some have been submitted for consideration.
- 7.22 The land has extant planning permission (9002015OUT) for employment uses in Use Classes B1 and B2, granted in 2015 under current development plan policies. 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 86 to 89) to apply the sequential test and require submission of an impact assessment of the proposal on town centre vitality and viability.
- 7.25 The proposed represents a comparable 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 The application land is shown on an inset map in the Local Plan 1995 and referred to in the plan itself as an outstanding commitment and

policy CS7 of the Core Strategy 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, however.

- 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 they consider 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.
- 7.31 The Huntingdonshire Local Plan to 2036: Proposed Submission (as amended for submission for examination on the 29th March 2018) is a material planning consideration and it is currently at the examination stage of its preparation. Policy LP7 of the Huntingdonshire Local Plan to 2036 provides *that "housing development (class 'C3') or for a residential institution use (class 'C2') will be supported where it is appropriately located within a built-up area of an identified Spatial Planning Area settlement"*. Policy LP11 of the Local Plan to 2036 contains guidance to the interpretation of the built-up area definition in the table on page 52. The application site has extant planning permission 9002015OUT for employment development so in accordance with the built-up area guidance on page 52, it is an *"existing commitment for residential, community, retail and employment uses on sites which are physically/functionally related to the settlement"* and it qualifies as being within the built-up area of Little Paxton. The proposed development is therefore located within the built-up area of the village and as such there is no conflict

with policy LP7. The proposed development is acceptable in principle under the emerging Local Plan to 2036.

Heritage Assets

- 7.32 The NPPF recognises the importance of preserving heritage assets and supports sustainable development. Paragraph 8 of the NPPF 2018 confirms the three strands of sustainability. In relation to environmental matters this confirms that this includes protecting our natural, built and historic environment. NPPF (paragraphs 185-199) sets out principles and policies for conserving and enhancing the historic environment.
- 7.33 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."* 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 applicants' 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. 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). 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 prevented 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 submitted 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 an updated Transport Assessment (TA) prepared by AECOM and dated 2018. 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.
- 7.53 The TA expects the development to generate a total of 1,617 two-way vehicle trips per day. This is 22% lower than that for the 2015 consented employment scheme, which was expected to generate a total of 2,064 two-way trips per day.
- 7.54 The TA assigns the routing from the residential development component as follows: 24.7% of trips via the A1 North, 41.2% via Mill Lane and 34% via A1 south.
- 7.55 The TA assigns the routing from the B1 employment component as follows: 21% of trips via the A1 North, 44.3% via Mill Lane and 34.6% via A1 south.
- 7.56 The TA assumes that the first development will commence in late 2019, with a 3-4 year build out and full occupation in 2023. Therefore junction capacities for the following have been tested for 2018, 2023 and 2028 flows.
- Great North Road/A1 Southbound off-slip
 - Great North Road/Mill Lane.
 - Mill Lane/Gordon Road/Samuel Jones Crescent
 - Mill Lane/Samuel Jones Crescent junction.
 - Proposed site accesses to the Great North Road.

Assessments for 2023 and 2028 have been made for two scenarios: with and without the proposed development traffic.

- 7.57 All junctions are expected to operate within capacity up to the assessment year of 2028 with the exception of the A1 southbound/Great North Road junction. Whilst there will be an overall reduction in traffic using the A1 southbound access junction when compared to the 2015 consented scheme, capacity at this junction is expected to be exceeded in the AM peak by 2028 even without the proposed development traffic. The addition of the development traffic brings forward the point at which capacity of the junction is reached to approximately 2023.
- 7.58 The TA notes the 7.5 tonne weight restriction in force on Mill Lane and consequently the proportion of HGVs and buses is relatively small. The TA recognises that there is insufficient space for a car and a HGV or bus to cross Paper Mill Bridges at the same time and therefore traffic in one direction has to wait until the HGV or bus has

passed before continuing. The proposed development comprises residential and office uses, and will generate very few HGV movements, and therefore it is not expected that there will be any significant impact on the occurrence of queuing at the Paper Mill bridges.

- 7.59 The TA acknowledges that Mill Lane is occasionally closed at the Paper Mill bridges when flood control measures are instigated and during these infrequent events an alternative route is available to and from the site via the A1 and Great North Road.
- 7.60 The TA advises that if school buses are utilised to manage demand for education places from Little Paxton. This would result in a net reduction in traffic generated by the proposed development, with fewer education-based car trips in the AM peak. There would be a negligible impact on the PM peak (17:00-18:00). The estimate of car trip generation can therefore be considered robust.
- 7.61 The County Council has considered the TA submitted with the 2017 application to be acceptable and it had no objection to that application. Any response from the County Council on this application and the submitted updated 2018 TA will be reported at or before the Committee meeting.

Walking and cycling:

- 7.62 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.
- 7.63 The table below is taken from the Transport Assessment (table 3.5, page 22) 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.

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
Little Paxton Co-Op (under construction)	1000m	12 mins	3.5
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

- 7.64 Note: the distances and times listed in the table above (apart from the journey north to Little Paxton Co-Op) 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 could 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.
- 7.65 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.
- 7.66 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.
- 7.67 The County Council recognises this issue and as a solution for the previous application it required 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.

7.68 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 expected 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:

7.69 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

7.70 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:

7.71 In the morning the first bus to St Neots (service 66 operated by Stagecoach) departs at 08:01, with a journey time of 12 minutes to the Market Square.

7.72 The first bus to Huntingdon departs at 07:16, with a journey time of 52 minutes.

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:

7.73 In the evening the last bus on Service 66 from St Neots to Little Paxton departs at 17:20, and the last bus from Huntingdon to Little Paxton departs at 17:30.

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

7.75 in respect of the previous application the County Council accepted the findings and conclusions of the 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. Any response from the County Council on this application will be reported at or before the Committee meeting

7.76 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:

7.77 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:

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

Summary:

7.79 The County Council advised that the Transport Assessment submitted with the 2017 application was acceptable and it had no objection to the application. Any response from the County Council on this application will be reported at or before the Committee meeting.

Residential Amenity:

7.80 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.

Noise:

7.81 The application is supported by the same Noise Assessment undertaken by MAS (dated 2016) submitted with the previous application. This 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.

7.82 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.

7.83 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.

- 7.84 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:

- 7.85 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”.

- 7.86 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

- 7.87 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”.

- 7.88 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 LAm_{ax}, f) during nighttime (2300-0700hrs) were recorded.

- 7.89 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.

- 7.90 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.

- 7.91 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*”.
- 7.92 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:

- 7.93 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".*
- 7.94 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:

- 7.95 The Council's Environmental Health Officer considers, in the case of the previous application, 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.
- 7.96 Contamination – the Environmental Health Officer has confirmed, in the case of the previous application, 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.
- 7.97 Any response from the Environmental Health Officer on this application will be reported at or before the Committee meeting.

Existing Users:

- 7.98 The impact on neighbouring occupiers must be considered in the context of the land having extant planning permission for employment.
- 7.99 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
- 7.100 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.
- 7.101 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.
- 7.102 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.
- 7.103 The proposed development is of a high quality design and would provide and maintain a good standard of amenity for all existing and future occupants of land and buildings.

Trees:

- 7.103 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.
- 7.104 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:

- 7.105 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:

- 7.106 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 development subject to conditions.
- 7.107 Conditions preventing land raising and dwellings from being built in Flood Zone 3 would be imposed, along with the setting of minimum finished floor levels in accordance with the submitted flood risk assessment.
- 7.108 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.
- 7.109 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:

- 7.110 Paragraph 170 of the NPPF states that 'the planning system should contribute to and enhance the natural and local environment.
- 7.111 The application is accompanied by an Ecological Assessment and Badger Survey, both dated June 2018.
- 7.112 *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.
- 7.113 *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.

- 7.114 *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.
- 7.115 *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.
- 7.116 The Wildlife Trust has confirmed that it has no objection to the development subject to conditions. If the application is approved there will need to be a planning condition requiring the undertaking of the recommended additional protected species surveys, including for bats and badgers, prior to commencement of development, and the implementation of mitigation measures identified in this ecological report together with all further recommendations for mitigation measures from the additional surveys, and to secure a net biodiversity gain. These enhancements would include a future layout making provision of sufficient green infrastructure to minimise recreational pressure impacts to Little Paxton Pits and St Neots Common SSSIs as required by Natural England.
- 7.117 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:

- 7.118 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:

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

Loss of agricultural land:

- 7.120 Paragraph 170 of the NPPF 2018 advises that the wider benefits of the best and most versatile (BMV) land must be recognised. Emerging policy LP11 states that all development in the countryside must seek to use land of lower agricultural value in preference to land of higher value and avoid irreversible loss where possible. Annex 2 of the NPPF defines BMV land to be land in Grades 1, 2 and 3a of the Agricultural Land Classification.

- 7.121 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.
- 7.122 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. 170 when considering the threshold for consultation with Natural England is 20 hectares of BMV land proposed for development.
- 7.123 Whether the agricultural land is BMV is a material planning consideration, but not one that is determinative given that the land has extant permission to be developed for employment uses. In any case, the proportion of BMV land in the District is significant and there is 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.
- 7.124 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. As such, the proposed development is not considered to conflict with emerging policy LP11 (a).

The adjacent golf course:

- 7.125 The application land is situated adjacent to St Neots Golf Club (SNGC), with the 4th and 6th holes being played alongside the boundary. For the previous application the SNGC were 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 said 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.
- 7.126 The SNGC was 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 said 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.

- 7.127 The SNGC suggested 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.
- 7.128 The SNGC drew 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.
- 7.129 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.
- 7.130 In the case of this latest 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.
- 7.131 For the previous application a meeting was held at the golf course with representatives of SNGC, Sport England, England Golf, the applicants' 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 applicants' 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.
- 7.132 The SNGC considered the mitigation measures listed above but maintained 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.

- 7.133 Officers noted the concerns raised by the SNGC but concurred 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.
- 7.134 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.
- 7.135 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:

- 7.136 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.
- 7.137 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.
- 7.138 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):

- 7.139 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:

- 7.140 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.
- 7.141 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

- 7.142 The County Council as Education Authority acknowledges that education provision for developments of this scale (less than the 200 dwellings) would be from the Community Infrastructure Levy. It therefore has no objection to this application, but for information purposes it advises that it would seek the following contributions (based on current costs) to mitigate demand placed on education infrastructure should the number of dwellings reach the 200 threshold.

Early years:

- 7.143 There is currently one preschool in the Little Paxton. It 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 2018/2019 there are forecast to be a total of 106 children in Little Paxton requiring a funded early years place. Of these 43 children require a 15 hour funded place and 63 require a 30 hour place. The preschool will not have capacity to accommodate the additional children that the development would generate. There is a project costing £1,500,000 planned to provide a 52 place Early Years 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.

Primary:

- 7.144 Little Paxton primary school is full and currently has a Pupil Admission Number (PAN) of 45 which increased in September 2017 giving a capacity of 315 children. Currently there are 53 children in reception in 2017/2018 and a total of 326 children in the school. The numbers are forecast to increase to 336 children in the school by 2021/22. The school could not currently accommodate the expected additional 70 children based on HDC multipliers so the County Council would need to seek contributions to improve the primary school to increase the PAN to 60 with a total capacity of 420. The cost of the project to increase the primary school to 2 Form Entry is £3,513,000. If the County was able to secure a contribution it would seek £2,049,250.

Secondary:

- 7.145 Longsands Academy has a PAN of 290 and is currently full. The school does not have capacity to accommodate the additional 50 children that this development would generate. There is already a project for expansion of Longsands secondary school in capital programme for 2022 £10,940,000 to cater for the secondary aged children that new developments in St Neots would generate and this development would be mitigated by this project. If the County was able to secure a contribution it would seek £911,650.

Libraries and life-long learning:

- 7.146 To provide an adequate service to these new residents a developer contribution of £42.12 per head of increased population (£18,870) would be sought. This figure is based on the MLA Standard Charge Approach for public libraries (Public Libraries, Archives and New Development: A standard Charge Approach (Museums, Libraries and Archives Council, May 2010).

Affordable Housing:

- 7.147 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.
- 7.148 In this instance no site-specific considerations have been submitted and therefore the proposal shall provide 40% affordable housing provision.

Green Space:

- 7.149 In accordance with the Developer Contributions SPD, this development requires in the region of 9400m² (0.949ha) of POS including 3580m² (0.358ha) of continuous green space. The submitted illustrative Development Framework Plan confirms that an over provision of open space can be achieved,

- 7.150 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:

- 7.151 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:

- 7.152 No contributions have been requested.

Responses to representations:

- 7.153 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.
- 7.154 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.
- 7.155 Increased demand on health facilities is noted and addressed above.
- 7.156 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.
- 7.157. 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.
- 7.158 Flood risk is addressed above.
- 7.159 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.
- 7.160 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.

- 7.161 Concerns that construction noise and dust will impact on living conditions of adjacent occupiers, especially those suffering ill-health, are noted but no objections were raised by Environmental Health Officers.
- 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.

Planning balance and conclusions:

- 7.164 The duty on the Local Planning Authority is to determine a planning application in accordance with the development plan, unless material considerations indicate otherwise. The presumption in favour of sustainable development is outlined within the NPPF and is a material consideration, along with emerging planning policies.
- 7.164 Policy CS3 of the Core Strategy classes Little Paxton as a Key Service Centre. The proposed development conflicts with the broad 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.
- 7.166 The Draft Huntingdonshire Local Plan to 2036: Proposed Submission 2017 classes the part of Little Paxton parish lying east of the A1 as within the St Neots Spatial Planning Area, where it benefits from its proximity to St Neots through greater sustainability than it would otherwise have were it more isolated. It is a fact of the location that residents would need to travel beyond the village to access higher level services and employment. 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 (paragraph 7.63). The application development would therefore meet the objective in policy CS3 of the Core Strategy of accommodating housing where the best levels of services exist and is consistent with NPPF 2018 Section 5 (paragraphs 59 – 80) which focuses upon the objective of significantly boosting the supply of homes. Furthermore, having regard to paragraph 79 of the NPPF (2018), the application site is not considered to be 'isolated' by virtue of its location immediately adjacent to the built-up area of the village which is in close proximity to St Neots.
- 7.167 The guidance to the interpretation of the built-up area definition in the table on page 52 of the Huntingdonshire Local Plan to 2036: Proposed Submission 2017 (as amended March 2018), as referred to in paragraph 7.31 above, is material to the proposal and would result

in the site being defined as within the built-up area of Little Paxton owing to it being an *“existing commitments for residential, community, retail and employment uses on sites which are physically/functionally related to the settlement”*. Policy LP7 of the Huntingdonshire Local Plan to 2036 provides that *“housing development (class ‘C3’) or for a residential institution use (class ‘C2’) will be supported where it is appropriately located within a built-up area of an identified Spatial Planning Area settlement”*. The proposal is therefore compliant with emerging Policy LP7 and this adds further weight, in the NPPF ‘tilted balance’, to the Officer opinion that the proposed development of the land is satisfactory; albeit when taking account of paragraph 48 of the NPPF 2018, the built-up area guidance is the subject of unresolved objections, limiting the policy to moderate weight.

- 7.168 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 of the Core Strategy which sets the criteria for sustainable development. Policy CS1 is considered to have full weight owing to its consistency with the NPPF requirement for development to be sustainable by jointly and simultaneously delivering economic, social and environmental gains. The reserved matters could deliver a high quality development in accordance with policy HL5.
- 7.169 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 given the shortfall of provision in the District. 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.
- 7.170 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.
- 7.171 Environmental benefits accruing from the proposal include biodiversity enhancement, additional landscaping and provision of public open space. Limited weight attached to these benefits in the

as they are largely a policy requirement to mitigate against harms created by the proposal.

7.172 In summing up, the proposed development conflicts with policy CS3 of the Core Strategy, but this degree of conflict does not carry a significant amount of weight in the tilted planning balance, given the inconsistencies between the policy and the NPPF. The benefits expected to accrue from the proposal would significantly and demonstrably outweigh the adverse impacts of the development, under the 'tilted balance' as set out within the 4th bullet point of NPPF paragraph 11. The development would be a sustainable within the meaning in the NPPF and this constitutes the "good reason" required to grant planning permission contrary to the development plan.

7.173 In reaching this recommendation due regard is had to the Council's decision - at the July 2018 DMC meeting - that it would not offer any evidence at the Appeal in the defence of its reasons for refusing planning permission 17/00108/OUT, taking account of the advice given by the Council's appointed Barrister on the merits of the case.

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 subject 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.
- planning condition requiring the undertaking of the recommended additional protected species surveys, including for bats and badgers, prior to commencement of development, and the implementation of mitigation measures identified in this ecological report together with all further recommendations for mitigation measures from the additional surveys and Biodiversity enhancement.
- 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**



Little Paxton Parish Council

Ref:LetHDCRiversfield240818
MinFC23Aug18
Case Officer Mr Gavin Sylvester

24th August 2018

Huntingdonshire District Council
Mr. Andy Moffat
Head of Development
Pathfinder House
St Mary's Street
Huntingdon
PE29 3TN

Dear Mr. Moffat,

Planning Application Ref: 18/01492/OUT

Part of Land at Riversfield, Great North Road, Little Paxton
Development of up to 199 dwellings and 6,970sq metres (75,000 sq. ft) of
class B1 business premises and with open space, new accesses from the
Great North Road, roads and associated infrastructure

I refer to the above Planning application and advise the Parish Council
recommends Objection on the following grounds - Education, Roads &
Transport, Amenities, Loss of Employment Land, Sustainable Development
and Tilted balance.

Education

There is no capacity at Little Paxton Primary School to support further housing
development. The Primary School underwent a £3.5 million extension
(completed in September 2017) to cope with anticipated September 17 intake.

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The proposed development would also adversely impact on secondary education in the area- the catchment school Longsands Academy, St. Neots and Ernulf Academy, St. Neots.

Further large developments are proposed at Loves Farm & Wintringham Park (both St. Neots) and Cambridgeshire County Council Education planners have not considered taking into account the proposed Riversfield development when planning for local education needs.

The Parish Council is aware of pending large planning applications for the neighbouring village Buckden, which will have further impact of primary school provision.

Cambridgeshire County Council, as an Education Authority cannot seek contributions for education because the development is 199 houses and not 200 which is the education trigger point.

Roads and Transport

The local infrastructure of the roads is insufficient to cope with any increase in traffic volume which would be associated with the two new exits onto the Great North Road. This section of the Great North Road has a speed limit of 60mph.

The A1 South slip road from the Great North Rd which runs parallel to the Riversfield site is a "Give Way" junction with limited visibility and where the speed limit is 70mph. The slip road is in poor condition due to current high volumes of traffic.

The Mill Lane/ Great North Road junction is already extremely busy with high volumes of traffic exiting the A1 North to access St. Neots and routes to the Railway station, Loves Farm and Cambridge. The proposed development will generate more vehicles heading towards St Neots or A1 North.

The road into St Neots (Mill Lane) involves crossing two narrow bridges which often permit only single file traffic.

A traffic survey carried out in 2017 on Mill Lane showed an increase of 20% of vehicles crossing the bridge per hour - a staggering 1198 vehicles, since a similar traffic survey carried out in 2015.

Due to high volumes of traffic, this road is frequently subject to delays and disruption resulting in lateness to school, work and rail travel. When the Mill Lane flood gates are closed (due to flooding on the road from the Great Ouse)

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the road is closed, and traffic is forced back on to the A1 South in order to reach the next St Neots exit. This causes traffic chaos, congestion and gridlock in St Neots and surrounding areas.

Amenities

The existing village amenities are not sufficient to cope with an expanded population.

Loss of Employment Land

The Reports presented by Planning Officers state that five consultants were invited to assist the Local Planning Authority in defending the refusal of the planning application.

Two consultants declined to tender, one consultant did not reply, one consultant was unable to tender and one consultant could only provide qualified assistance.

This is very poor evidence to surmise that there is no need for employment land and this consultation is considered flawed.

Sustainable development

There are three dimensions to sustainable development – economic, social and environmental.

Economic -The land should be of the right type, in the right place and at the right time to support growth and innovation including the provision of infrastructure. This proposed development does not fit this criteria.

Social – Supporting a strong vibrant and healthy community with accessible local services reflecting the community's needs on health, social and cultural wellbeing.

There are no amenities planned in this application and there are very limited amenities in the adjoining Papermill Lock. The Hub building which was built by the Papermill Lock developers and recently opened (March 18) is on a far smaller scale than initially promised.

Environmental – minimising waste and pollution. It would be reasonable to assume that on a proposed development of 199 dwellings there will be a

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potential for 400 plus additional vehicles travelling to access work, school and amenities resulting in an increase in pollution.

Tilted balance

The Planning Authority, Huntingdonshire District Council, are of the view that the principle of the tilted balance should be applied. The reassessments of the Impacts are not founded on fact and in one case fundamentally flawed.

Impact 1. Precedent at Needingworth

The discounting of the Impact is based on a subsequent approval given at Needingworth and the application of the tilted balance in that case. Given the arguments above this is both unfounded and presumptuous. Just because the tilted balance was applied in one village (Needingworth) it should not necessarily be applied in Little Paxton.

Impact 2. No demand for Industrial Premises

This is fundamentally flawed as based on limited or poor evidence in that only one consultant provided qualified assistance. It is unclear why a consultant without the requisite experience was approached in the first instance.

It may be worth noting that it is inconsistent to allow this change to go ahead whilst an existing planning permission to develop light industrial premises remains in place.

Impact 3. Education

There has been no material change to the assessment and indeed there is evidence that the impact on schools and other infrastructure has been significantly understated.

Based on the experience of the occupation of properties at Loves Farm, St. Neots, the situation would be considerably exacerbated.

The lack of local school places will result in greater pressure on infrastructure and roads in particular. More journeys will be required to access schools several miles from Little Paxton. This will in turn increase traffic volume further.

The local area is now, already prone to chronic congestion at peak times.

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Conclusion

The application of the tilted balance, without regard to local circumstances, in particular demonstration of sustainability and taking into account the range of factors listed in the National Planning Policy Framework is inappropriate and opens the door to a flood of uncontrolled developments across the district.

The planning application does not ensure the balance of economic, social and environmental benefits which should underpin all such decisions.

Yours sincerely,



Mrs Jennifer Gellatly
Parish Clerk/Proper Officer

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Development Management Committee



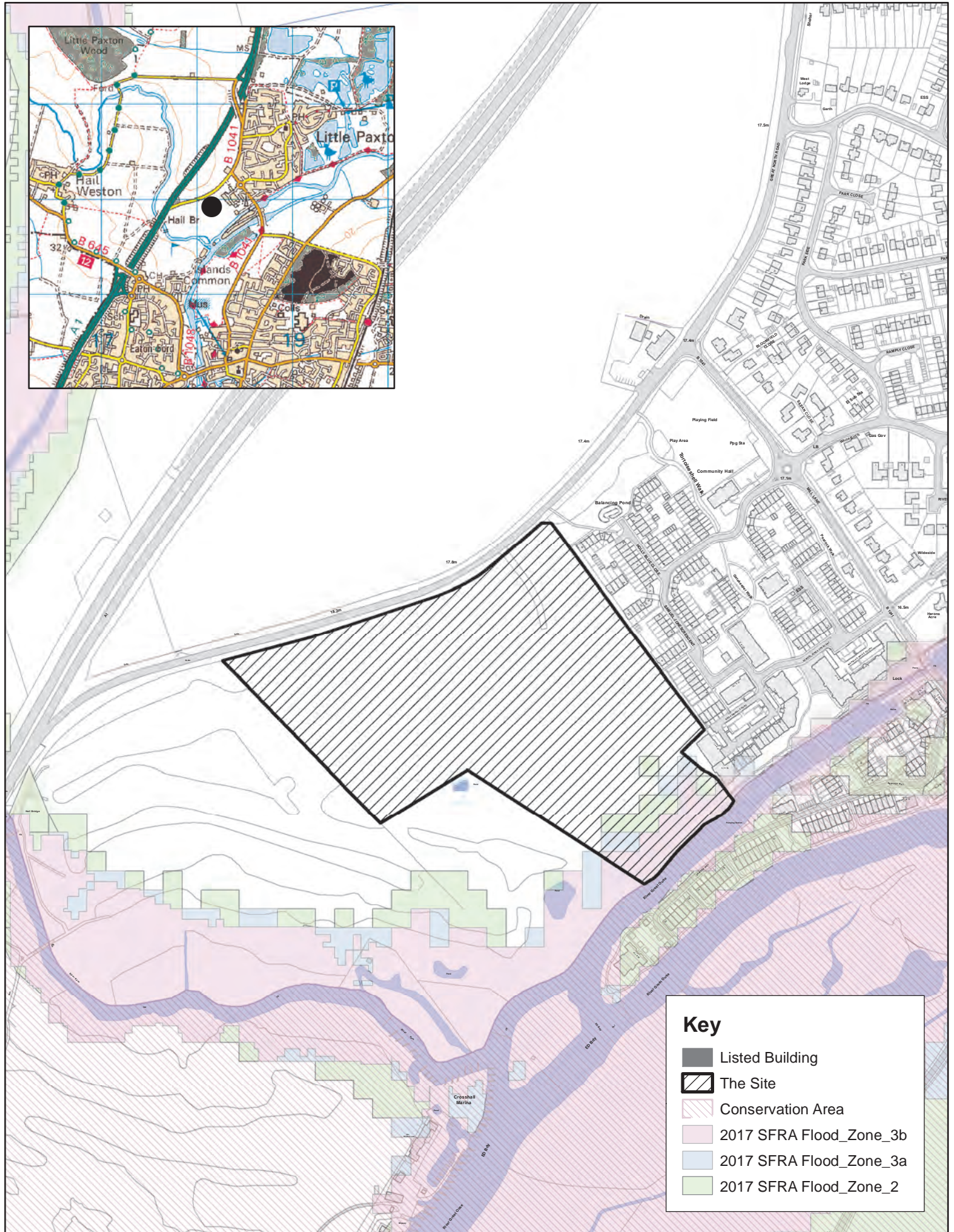
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Application Ref:18/01492/OUT

Date Created: 04/09/2018

Location: Little Paxton

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Ordnance Survey HDC 10002232





- Application Boundary: 10.11ha
- Residential developable area and indicative key buildings: 5.45ha
Approx. 199 dwellings
- Employment Area (B1 Business Class): 0.87ha
- Vehicular access point
- Proposed access to employment area and emergency vehicle access
- Movement**
 - Existing bus stops
 - Potential spine road through development
 - Potential secondary streets
 - Potential private drive and lanes
 - Potential recreational routes
 - Potential pedestrian/cycleway links
 - Key spaces/shared surfaces
- Green Infrastructure**
 - Potential location for a Local Equipped Area for Play (LEAP)
 - Existing vegetation
 - Potential formal and informal recreation areas and small amenity spaces (to include new landscaping and tree planting)
 - Potential location for storage basins and SuDS Features
 - Existing low pressure gas main with 5m easement
 - 2.0m high acoustic fence
 - 2.0m high boundary fence
- Storey Heights Plan**
 - Up to 2 storey dwellings (maximum height of 9.6m)
 - Predominantly 2 storey dwellings, with a limited number of 2.5 storey dwellings (maximum height of 12.5m)
 - Predominantly 2.5 storey dwellings, with a limited number of 3 storey dwellings (maximum height of 13.5m)
- St Neots Golf Course**
 - Indicative location of fairway
 - 60m landscaped buffer

Rev	Date	By	Description
C	10.08.17	JC	Updated with client comment
B	10.08.17	JC	Updated with client comments
A	26.04.17	JC	Updated with client comments

CSA environmental

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Project	Riversfield, Little Paxton St Neots, Cambridgeshire		
Title	Development Framework Plan		
Client	Barford + Co		
Scale	1:2000 @ A2	Drawn	JC
Date	April 2017	Checked	RR
Drawing No.	CSA/3326/100	Rev	C

GREEN PAPERS FOLLOW

Case No: 17/00108/OUT – REFUSED PLANNING PERMISSION AT OCTOBER 2017 COMMITTEE – APPEAL LODGED REF. APP/H0520/W/18/3200754 – POSITION THEN REVIEWED AT JUNE 2018 COMMITTEE

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

Report by: COUNCILLORS ABLEWHITE AND CONBOY

RECOMMENDATION:

That the Committee reviews the LPA's case in light of the advice in this report and confirms its intentions not to defend the refusal of planning permission, having regard to this advice, at the forthcoming Appeal to be conducted by Public Inquiry.

1.1 This proposal was most recently considered at the June 2018 Development Management Committee meeting. Since that meeting, the Barrister appointed to advocate the Council's position through the appeal process – the same Barrister the Council used for the recent Thrapston Road, Brampton and Biggin Lane, Ramsey appeals – has had the opportunity to review the papers as well as our initial views as to what the Council's Statement of Case due later this month would include. In response, he has set out his views on the merits and potential costs consequences of the matter proceeding to appeal:

"1 In summary, planning permission for a 199 dwelling housing site was refused by the Council's Planning Committee in October 2017 for two Reasons, overturning the recommendation of Officers to grant planning permission. The first relates to an unjustified loss of employment land and consequent loss of significant economic benefits to the area rendering the proposal unsustainable. The second is based on the lack of certainty that the proposal will make a contribution to education provision to mitigate the demand it will place on education infrastructure.

Following an appeal being lodged against this refusal, the Council reviewed its case on 18 June 2018 having considered an Officer Report which updated the Planning Committee on policy and evidence. The Report also outlined the searches undertaken by Officers to engage experts who would be prepared to defend the Council's Reasons for Refusal. None could be found and as a result it has been agreed that Councillors themselves will give evidence defending the Reasons for Refusal. The email of today outlines what Councillors will say in support of those Reasons for Refusal.

- 2 In my view, the Council's case is very likely to be rejected at appeal and planning permission granted by the Inspector. Further, I consider the Council is very likely to have a substantive costs award made against it for all of the Appellant's costs associated with the appeal. I will deal with each RfR (*Reasons for Refusal*) in turn before considering any other matters.

First Reason for Refusal

- 3 The RfR refers to the fact that there are sustainable locations for housing in the District and a 5 year HLS (*Housing Land Supply*). In itself, this is not a basis on which to refuse permission. The objective in the NPPF (*National Planning Policy Framework*) is to boost significantly the supply of housing (para. 47) and it is well recognised that a 5 year HLS does not represent an upper limit. Next, the RfR refers to fact that the site is allocated for employment development and the proposal is for housing outside of the built-up area of Little Paxton. It is hard to see how any conflict with the Council's countryside policies would carry any determinative weight given that the same site is currently allocated for employment development. Further, the Appellant's SoC refers to the fact that the Council's Employment Land Availability Assessment 2011 noted the site to be one of the least desirable for employment development under the Core Strategy. Looking forward, the Employment Land Study in support of the Local Plan 2036 does not consider the site as a proposed, existing, or committed employment site. For those reasons, it is hard to see how a need for the site for employment land could be demonstrated.
- 4 In terms of the evidence for the appeal, the Council will need to substantiate its RfR. The Appellant is likely to field an Employment Land expert who would carry out an analysis of the employment land need (both quantitative and qualitative) and availability in the District. There is no expert available to the Council to substantiate the RfR on this technical issue.
- 5 The PPG cites the failure to produce evidence to substantiate each reason for refusal on appeal, and vague generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis, as examples of unreasonable conduct which are liable to lead to a substantive award of costs. In my view, both examples would be apply here, and it is very likely that an award of costs would be made on this issue. Were the issue a subjective one, such as landscape and visual matters, there might be more scope to argue that this was

a question of judgment, but the unjustified loss of employment land is not such an issue in my view.

Second Reason for Refusal

- 6 The RfR refers to the fact that under CS10 of the Core Strategy proposals are expected to provide or contribute to the cost of providing appropriate infrastructure, and that it is not certain that the proposal will make a contribution to education provision. In my view, this RfR is misconceived. The mechanism by which education contributions can be obtained from developers is regulated by the Council's Developer Contributions SPD and its CIL charging schedule. Both set a threshold of 200 dwellings under which specific school contributions will not be sought and contributions will be obtained through CIL. The very nature of CIL would mean that any sums paid would be pooled and distributed according to need within the District. The County Council as Education Authority accepted this position and did not object, though they did indicate that they would look to allocate appropriate money from CIL funds to the local schools.
- 7 For the above reasons, I cannot see how the Council can sensibly seek to argue that the proposal should be refused permission because it fails to provide an education contribution which is not payable as a s.106 contribution under the clear terms of its SPD and CIL charging schedule.
- 8 The same parts of the PPG on costs would apply and would very likely lead to a substantive costs award on this issue.

Tilted balance

- 9 The point is rightly made in the Officer Report that the Inspector in determining this appeal is likely to apply the tilted balance. This would be in line with the previous Inspector decisions on the basis that the Council's current policies for the supply of housing are out of date by virtue of the fact that they are inconsistent with the NPPF (the *Thrapston Road* and *Biggin Lane* appeals). That would be the position notwithstanding any argument as to whether the Council has a 5 year HLS, which the Appellant has stated it will contest at the appeal. I am aware that the Examination into the Local Plan is soon to commence. Until the Local Plan is adopted, the tilted balance is likely to apply in housing applications. The effect of that is that under the NPPF the proposal should be granted permission unless its adverse impacts would significantly and demonstrably outweigh the benefits (para. 14). The application of para. 14 of the NPPF here only serves to underline the poor merits of the Council's case and likelihood of costs in my view.

Other matters

- 10 The outline of the Council's case which has been provided refers to the 5 year HLS (*Housing Land Supply*) position, the need for employment land, and the limited education capacity, each of which I have dealt with above. In addition, issues of traffic impact (through impact on school places, and unrealistic and flawed

assumptions on alternative modes of travel and commuter choices) and the lack of a local health facility (travel time would not be viable) are referred to. These go beyond the Council's RfRs and formally form no part of the Council's case. They are also both contrary to the consultee responses on these issues. The County Council did not object on transport grounds and NHS England noted that funding for health facilities would be sought through CIL. In order to argue these other grounds, the Council would have to add to its RfRs with the authority of its Planning Committee. In any event, it is hard to see how the Council could substantiate such grounds without some professional expert and objective evidence.

Conclusion

11 In my view, on the basis of the documents I have seen, the Council is very likely to lose the appeal and have a substantive costs award made against it. PINS have directed that a 6-day inquiry be held in December this year. I would expect the Appellant's costs to be substantial in those circumstances, which they would seek to recover from the Council from the date of the refusal.

12 I hope that this is all tolerably clear and not too disappointing. I can well appreciate that it is the Planning Committee's democratic right to disagree with its officers and refuse planning permission where it considers appropriate, but it should be aware of the consequences of so doing. One of the objectives of the costs regime is to encourage planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, and not to add to developments costs through avoidable delay. In my view, from what I have seen, the inquiry process is very likely to demonstrate that the RfRs do not stand up to scrutiny here."

1.2 In light of this advice, it is recommended that the Council now confirms that it will not defend any of the reasons for refusal.

2. RECOMMENDATION

That the Committee reviews the LPA's case (in light of the legal advice in this report) and confirms that it:

Will not defend any of the reasons for refusal; and

Requests Officers to report this decision not to defend any of the reasons for refusal to the Planning Inspectorate at the earliest possible opportunity.

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.

BACKGROUND PAPERS:

Reports and related documents presented to October 2017 and June 2018 Development Management Committee.

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.

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



Scale =1:5,000

Date Created: 31/05/2018



Application Ref: 17/00108/OUT

Location: Little Paxton

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Ordnance Survey HDC 10002322



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

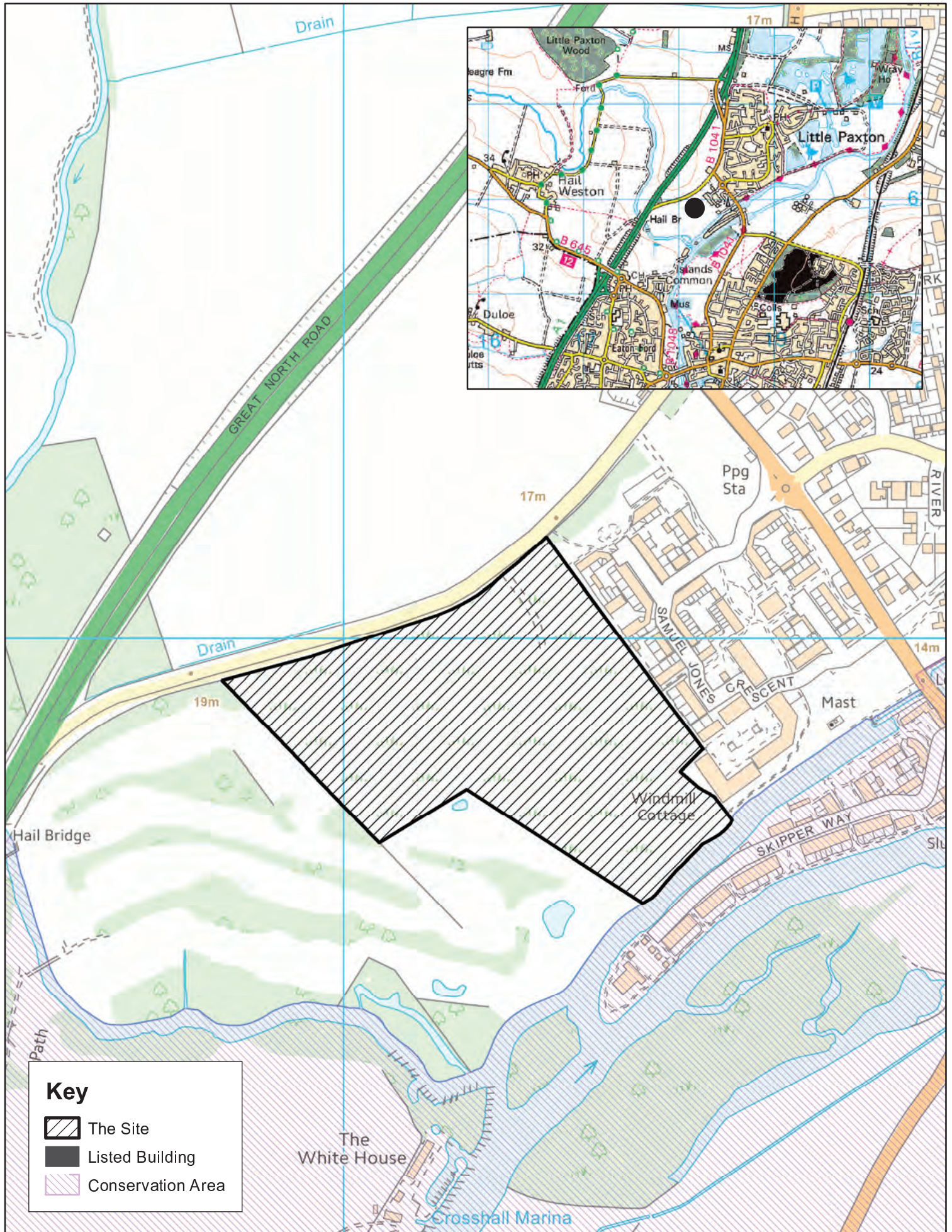


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Application Ref: 17/00108/FUL

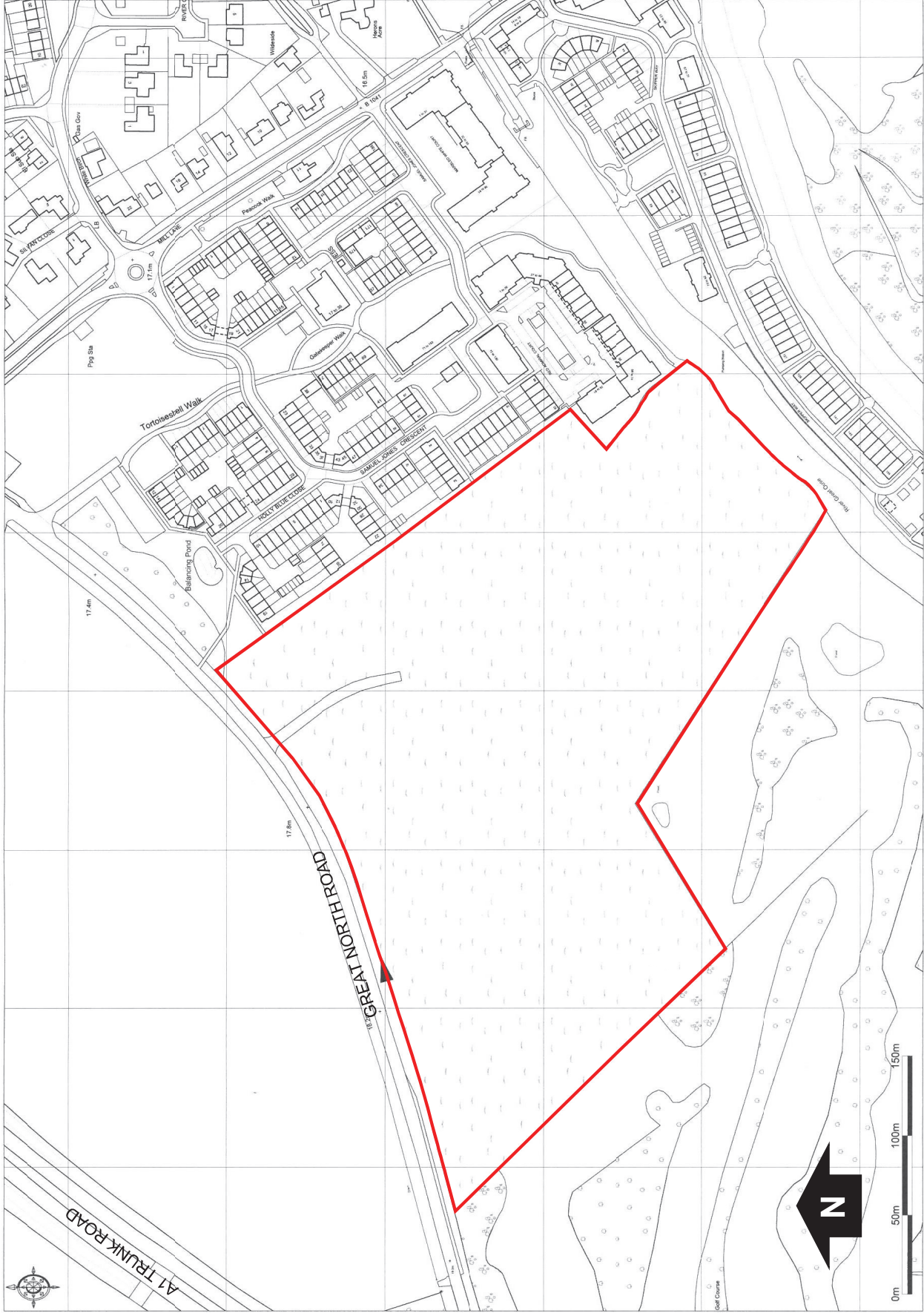
Date Created: 04/10/2017

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



**DEVELOPMENT CONTROL PANEL LATE REPRESENTATION SHEET
INFORMATION TO INCLUDE CONSULTATIONS/REPRESENTATIONS
RECEIVED AFTER FRIDAY LETTER COMPILED**

DATE OF PANEL: June 2018

ITEM NO. 3a

APPLICATION NO: 17/00108/OUT

OFFICER INITIALS: GSYL

ITEM DESCRIPTION AS AGENDA:

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 - Part of Land at Riversfield, Great North Road, Little Paxton.

**INFORMATION TO BE INCLUDED IN LATE REPRESENTATIONS
INCLUDING CONSULTATIONS/REPRESENTATIONS RECEIVED AFTER
FRIDAY LETTER WAS COMPILED**

5. CONSULTATIONS (Update)

The County Council's Education Team has advised that the opening the new Wintringham Park Primary school in temporary accommodation in September 2018 in advance of the permanent building in 2020 will alleviate some of the pressures on the Loves Farm estate and accommodate the children from the new housing estate at Wintringham Park. This school will only take children in the catchment of the Eastern St Neots expansion. Priory Park Infants was taking some of the Loves Farm children who could not get into the Roundhouse School (on Loves Farm). This will not be the case in future as they will be accommodated at Wintringham Park Primary, but the forecast for Priory Park infants school is that it will be at capacity with children 'in catchment' from 2019.

Officer response: Members are reminded that the County Council has not raised an objection to the proposal. As per paragraph 7.34 of the June 2018 DMC Report, the Committee will need to consider if and how it is able to substantiate its reasons for refusal, having regard to the advice in the Planning Practice Guidance.

6. REPRESENTATIONS (Update)

The 'late representations' to the October 2017 meeting of the DMC are **attached as supplemental to the 'Green Paper'** in the June DMC Report.

A further representation from the St Neots Town Council (dated 13 June 2018) is **attached**, raising the following summarised matters:

- In addition to the Town Council's previous concerns which remain, the Town Council has serious concerns about the impact of the development on school places in Wards several miles outside of Little Paxton and St Neots, including

Great Paxton, Staughton, Hail Weston, Abbotsley, Gransden, Kimbolton, Buckden and more.

Officer response: a response from the County Council has been requested and any reply will be provided at the meeting.

- There is also likely to be some impact on the Loves Farm 2 and Wintringham Park developments in St Neots due to the additional vehicle movement.

Officer response: the planning permission was not refused on transport/traffic impact grounds. Wintringham Park and Loves Farm are longstanding allocations for development and the County Council had no objection to the Riversfield planning application. Transport impacts are addressed in paragraphs 7.50 – 7.56 of the Development Management Committee Report of October 2017. The permitted employment development (permission 9002015OUT) was predicted to generate 2064 trips per day. The submitted Transport Assessment, approved by the County Council, predicted the proposed housing and employment mixed use development to generate 1613 vehicle trips per day (903 from the 199 homes and 709 from the employment component) and fewer HGV trips.

- Lastly, the combined Mayoral Authority is currently producing a Masterplan for St Neots, the Council is concerned about any possible impact this development might have on the plan (the proposals in this are currently embargoed).

Officer response: the masterplan for St Neots is not a statutory planning document. The Council's Local Plan to 2036 makes plans to deliver approx. 14,400 jobs across the District and the employment development at Riversfield is not part of this plan and therefore not required to deliver the 14,400 jobs. An increase in the number of jobs in an area is not just generated by the construction of new employment development; new jobs are also generated by businesses increasing activities on existing sites by employing more people, and through the redevelopment of existing employment premises to meet the needs of modern business; particularly where existing buildings are ageing. St Neots was highlighted in the Council's Employment Land Study 2014 (page 71) as having a relatively high proportion of large and ageing industrial stock and an oversupply of offices

Three additional objections to this item have been received and these are summarised as follows:

- the possibility of the Council reversing its decision to refuse planning permissions reckless and damaging, and recommending to the Committee that it reverses its decision to refuse planning permission is previously unknown – is the council making up its own rules?

Officer response: Officers took the decision to advise Committee members to review the Council's case because there have been a number of changes in circumstances in this instance since the original decision to refuse the application and it is therefore a necessary course of action that accords with national planning guidance which, as paragraph 1.5 of the committee report states, advises Council's to "review cases promptly following the lodging of an appeal as part of sensible on-going case management". It is the change

in circumstances as outlined in the report which requires a review in this instance.

The purpose of the Committee Report is to provide Members with the necessary up-to-date information to enable them to make an informed review of the Council's case in preparation for the appeal proceedings taking account of the material changes in circumstances as outlined in the report. The consideration of the report at a public Committee Meeting ensures this review is transparent.

- Harm to wildlife using the land, in particular there are two Barn Owls nesting in this area and using the field for hunting.

Officer response: ecology and biodiversity was a not a reason for refusal and was addressed in the DMC report of October 2017.

7. OFFICER ADVICE (update)

The appellants agent says that paragraph 7.2 of the DMC report has incorrectly advised the Committee that the policy position of Riversfield has not materially changed between the production of the Huntingdonshire Local Plan to 2036 (2017) Consultation Draft on 28 June 2017, and the Huntingdonshire Local Plan to 2036: Proposed Submission 2017 (amended March 2018 for submission) on 15 December 2017.

The appellants agent considers the Huntingdonshire Local Plan to 2036: Proposed Submission 2017, produced 15 December 2017 has brought about a significant change in policy through the introduction of the built-up area guidance table under paragraph 4.84 (pages 51-52) to aid application of policy LP7.

The relevant extract from this table is shown below:

Principle	Policy Guidance
The built-up area will include:	
Existing commitments for residential, community, retail and employment uses on sites which are physically/functionally related to the settlement.	Where development for residential, community, retail or employment use has commenced or has outstanding planning permission the principle of development has been approved. The precise boundary around such sites is determined with regard to the detailed guidance within this table.

The appellants agent says the appeal land should be considered to be located within the built-up area of Little Paxton because it accords with guidance above. This being the case, the appellants agent considers the site suitable, in principle, for housing development in accordance with the provisions of policy LP7 'Spatial Planning Areas' of the Huntingdonshire Local Plan to 2036: Proposed Submission 2017 (as amended March 2018 for submission).

Officer response:

The built up area guidance in the Huntingdonshire Local Plan to 2036: Proposed Submission 2017 (as amended March 2018 for submission) has not been subject to examination by a Planning Inspector and there are outstanding objections to those policies in the Local Plan to 2036 that use the built up area

guidance to aid application. This reduces the weight that can be given to these emerging policies.

The widening of the guidance to the interpretation of built-up area definition is material to the proposals and adds further weight, in the 'tilted balance', to the Officer advice that residential development on the land is satisfactory.

Policy LP7 'Spatial Planning Areas' applies only to "Development Proposals on Unallocated Sites", such as Riversfield and therefore LP7 cannot be used to reverse the protection given by the Local Plan to sites allocated for employment development (e.g. Wintringham Park), which remain protected from alternative development.

ENDS -----

EVENING UPDATE PROVIDED AT DMC JUNE

DATE OF PANEL: June 2018

ITEM NO. 3a

APPLICATION NO: 17/00108/OUT

OFFICER INITIALS: GS

ITEM DESCRIPTION AS AGENDA:

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 - Part of Land at Riversfield, Great North Road, Little Paxton.

5. CONSULTATIONS (Update)

The County Council has written to the District Council to confirm its position on this application and this is summarised as follows:

- The County Council formally made no objection to the application on highways or education grounds, knowing that it holds a statutory duty to provide the places.
- The County Council confirmed that the catchment of the schools were at or close to full capacity and that new spaces would need to be created. Because HDC is a CIL charging authority the County Council accepts that there would be no S106 contributions but it set out appropriate mitigation regardless.
- The County Council is not able in this instance to offer the District Council support on this matter at the Appeal, as its position has been clear and it is not identified as a Rule 6 party.
- The County Council will supply available data and evidence base to the District Council to demonstrate the need for additional educational capacity but is not able to prepare, for example, Appeal statements of case for District Officers or representatives.
- The County Council urges the District Council to review its CIL policy.

Officer response: In reviewing its case, the Committee is advised to consider the County Council's position and the level of assistance it can offer at the Appeal. As per paragraph 7.34 of the DMC report, the Committee will need to consider if and how it is able to substantiate its reasons for refusal. The District Council will consider reviewing its CIL policy at the appropriate point in time having regard to any changes in CIL legislation.

ENDS-----

Case No: 9002015OUT (OUTLINE APPLICATION)

Proposal: ERECTION OF BUILDINGS FOR BUSINESS AND INDUSTRIAL USES

Location: LAND FOR DEVELOPMENT WEST OF WINDMILL COTTAGE MILL LANE

Applicant: MR MICHAEL CONNOLLY AND MR STEVE HUTCHINSON

Grid Ref: 518171 261907

Date of Registration: 27.12.1990

Parish: LITTLE PAXTON

RECOMMENDATION - APPROVAL

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This outline application was originally submitted in 1990 and then held in abeyance at the applicant's request while the then 1995 Local Plan was being finalised. Further delays resulted from archaeological investigation. Following the finalisation of the 1995 Local Plan it was then considered by the Council's Development Control Committee a total of three times in 1999. A resolution to grant permission was made but there were further delays with finalising the Section 106 agreement and the application was not determined at that time. In 2005 a decision of the Section 106 Advisory Group gave authority for officers to renegotiate the Section 106 agreement. Officers also requested the submission of a new Transport Assessment. The application was 'refreshed' in 2012 with the submission of a new Transport Assessment, a Planning Design and Access Statement, a Flood Risk Assessment and Travel Plan and the comments reported below are based on the updated submission.
- 1.2 The outline application seeks approval for the erection of 13,000 sq m of B1a (office) and B1b (R&D) floor space; and 14,871 sq m of B1/B2 industrial floor space. This outline application seeks approval ONLY for the use and quantum of floorspace; access, layout, scale, appearance and landscaping would be reserved matters. Notwithstanding this, and to provide adequate information to meet the then Town and Country Planning (Development Management Procedure) Order 2010 a certain level of information has been provided to show an indicative layout, scale parameters, height and size of buildings and indicative access points.
- 1.3 The indicative layout shows access from the two previously approved access junctions from the Old Great North Road, no development within the area vulnerable to flooding, an internal estate road which 'loops' through the estate and buildings sited towards the front of their plots with servicing behind, and the provision of footpath links to the adjacent residential development. There would be a range of different sized units from small office suites of 186 sq m to 1,100 sq m; and industrial buildings ranging from 929 sq m to 2,500 sq m. The

buildings will generally be capable of sub-division to be able to respond to different market requirements.

- 1.4 In terms of appearance and scale the Design and Access Statement shows examples of different styles of modern business buildings and states that the office/R&D buildings would have an overall length of between 27 and 40 metres and depth of between 14 and 19 metres and a total height of up to 12 metres. The industrial buildings would be larger with a length of between 35 and 88 metres, depth of 28-35 metres and total height up to 12 metres.

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 The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

For full details visit the government website <https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

3. PLANNING POLICIES

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995)
- **H30:** "Existing Residential Areas" – Planning permission will not normally be granted for the introduction of, or extension to, commercial uses or activities within existing residential areas where this would be likely to have a detrimental effect on amenities.
 - **E1:** "Economic and Employment Growth" – will be promoted, commensurate with the planned residential and population growth

and the Council's aims to provide a range of employment opportunities and reduce commuting.

- **E2:** "Provision of Land" – land will be allocated for an adequate range of sites and premises, in terms of size, quality and location that would be suitable for industry, warehousing and distribution, office and high technology uses, providing individually and cumulatively they comply with other Local Plan policies.
- **E3:** "Provision of Land" – Land allocations for the needs of general industry, warehousing and distribution, office and high technology uses.
- **E5:** "Phasing" – allocated land will be released in phases to achieve a balance of growth of jobs and housing, and availability of public service and infrastructure.
- **E8:** "Small Scale Employment Generating Development" – will normally be permitted within defined environmental limits, subject to: demonstrated employment need; likely impact on character, amenities and infrastructure.
- **E15:** "Special and Heavy Industrial Uses" – will only be allowed in locations where traffic and environmental conditions permit and where residential amenities will not be detrimentally affected.
- **T18:** "Access requirements for new development" states development should be accessed by a highway of acceptable design and appropriate construction.
- **T19:** "Pedestrian Routes and Footpath" – new developments are required to provide safe and convenient pedestrian routes having due regard to existing and planned footpath routes in the area.
- **T20:** "Cycle Routes" – the District Council will identify segregated cycleway routes to be provided in association with certain housing, employment and shopping developments.
- **En20:** "Landscaping Scheme" - Wherever appropriate a development will be subject to conditions requiring the execution of a landscaping scheme.
- **En22:** "Conservation" – wherever relevant, the determination of applications will take appropriate consideration of nature and wildlife conservation.
- **En23:** "Conservation" – development within or which adversely affects, a site of special scientific interest will not normally be permitted.
- **En25:** "General Design Criteria" - indicates that the District Council will expect new development to respect the scale, form, materials and design of established buildings in the locality and make adequate provision for landscaping and amenity areas.

- **CS8:** “Water” – satisfactory arrangements for the availability of water supply, sewerage and sewage disposal facilities, surface water run-off facilities and provision for land drainage will be required.
 - **CS9:** “Flood water management” – the District Council will normally refuse development proposals that prejudice schemes for flood water management.
- 3.2 St Neots Inset (North Section) shows the site as an Outstanding Major Employment Commitment
- 3.3 Saved policies from the Huntingdonshire Local Plan Alterations (2002)
- None relevant.
- 3.4 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)
- **CS1:** “Sustainable development in Huntingdonshire” – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development. Including reducing water consumption and wastage, minimising impact on water resources and water quality and managing flood risk.
 - **CS7:** “Employment Land” – At least 85Ha of new land for employment will be provided before 2026, in key identified areas. The existing commitment at Little Paxton might come forward during the plan period.
 - **CS9:** “Strategic Green Space Enhancement” - coordinated action to safeguard existing and potential sites of nature conservation value, create new wildlife habitats and contribute to diversification of the local economy and tourist development through enhancement of existing and provision of new facilities.
 - **CS10:** “Contributions to Infrastructure Requirements” – proposals will be expected to provide or contribute towards the cost of providing infrastructure and of meeting social and environmental requirements, where these are necessary to make the development acceptable in planning terms.
- 3.5 Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013)
- **Policy LP 1 - Strategy and principles for development**
The Council will support proposals which contribute to the delivery of new housing, economic growth and diversification and infrastructure provision through the following development strategy: 3 strategic expansion locations will make provision for approximately 12,450 new homes giving a range of accommodation to meet the needs of all sectors of the community and to facilitate growth of the local economy, in particular through the designated enterprise zone at Alconbury Weald market towns and key service centres will make provision for approximately 7,850 new homes and support economic

and community development that serves needs in the most sustainable locations, promotes the vitality and viability of established communities and maintains their character and identity the Ouse valley, Great Fen, Grafham Water/ Brampton Woods area and the Nene valley will be priority areas for strategic green infrastructure enhancement of public access. Development proposals will be expected to:

- a. prioritise the use of previously developed land in accessible locations;
- b. contribute to the creation or maintenance of mixed and socially inclusive communities by integrating development of homes, jobs, services and facilities;
- c. make efficient use of land, buildings and infrastructure within existing settlements whilst preserving local character and distinctiveness;
- d. promote healthy, active lifestyles by protecting and enhancing green space, sport and recreation facilities
- e. maximise opportunities for use of public transport, walking and cycling;
- f. provide appropriate infrastructure to meet the needs generated by the proposed development;
- g. support the local economy by providing a mix of employment opportunities suitable for local people;
- h. minimise greenhouse gas emissions, oxides of nitrogen, fine particles and other forms of pollution;
- i. reduce water consumption and wastage, minimising the impact on water resources and quality and managing flood risk; and
- j. protect and enhance the historic environment and the range and vitality of characteristic landscapes, habitats and species.

- **Policy LP 2 - Contributing to Infrastructure Delivery**

A proposal will be supported where it makes appropriate contributions towards the provision of infrastructure, and of meeting economic, social and environmental requirements.

Community Infrastructure Levy

Applicable developments will be liable to pay the Community Infrastructure Levy (CIL) as set out in the Huntingdonshire Community Infrastructure Levy Charging Schedule(8) or successor documents.

Planning Obligations

Contributions in addition to the CIL may be necessary to make the proposals acceptable in planning terms. Such contributions will be calculated as set out in the Developer Contributions Supplementary Planning Document (SPD) or successor documents and will be sought through a planning obligation. The nature and scale of planning obligations sought will depend on the form of development and the impact it is considered to have upon the surrounding area on the basis of documentary evidence. Provision may be required on or off site as set out in the SPD. The timing of provision of infrastructure and facilities will be carefully considered in order to ensure that adequate provision is in place before development is occupied or comes into use.

All considerations and negotiations will be undertaken in a positive manner in order to come to the most appropriate solution and will, subject to such evidence being submitted, take viability and other material considerations including specific site conditions into account. Where particular requirements of development sites set out in other

policies in this plan are known they are included in the applicable policy. Subdivision of sites in order to avoid liability for contributions will not be accepted. Contributions will be calculated on the complete developable area. Where the development proposes the sub-division of a larger developable area contributions will be apportioned on a pro-rata basis.

- **Policy LP 6**

Flood Risk and Water Management

Flood Risk

A proposal will be supported where:

- a. it is located in an area that is not at risk of flooding with reference to the Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA), unless a Sequential Test, and if necessary an Exception Test, as set out in the NPPF's technical guidance on flood risk, proves the development is acceptable;
- b. suitable flood protection/ mitigation measures can be agreed as appropriate to the level and nature of flood risk and satisfactorily implemented and maintained; and
- c. there will be no increase in the risk of flooding for properties elsewhere, e.g. through a net increase in surface water run-off, or a reduction in the capacity of flood water storage areas, unless suitable compensation or mitigation measures exist or can be agreed, satisfactorily implemented and maintained.

Surface Water

A proposal will be supported where:

- d. sustainable drainage systems (SuDS) are incorporated where possible in accordance with the Cambridgeshire SuDS Design and Adoption Manual and the Cambridgeshire SuDS Handbook (forthcoming) or successor documents to the satisfaction of Cambridgeshire County Council as SuDS approval body and considered comprehensively with water efficiency measures;
- e. the standing advice of the appropriate Internal Drainage Board and the Middle Level Commissioners has been taken into account for the proposal if surface water would drain to an Internal Drainage Board area; and
- f. there is no adverse impact on, or unacceptable risk to, the quantity or quality of water resources by incorporating appropriate measures to help achieve the strategic aim of reducing impact and risks to the quality and quantity of water resources and to help meet the objectives of the Water Framework

Directive.

Waste Water

Where a proposal would be served by the Brampton, St Ives or Ramsey Waste Water Treatment Works (WWTWs) it will only be supported where:

- g. it can be demonstrated that waste water from the proposal can be accommodated either within the limits of capacity at the relevant WWTWs or by sufficient capacity being made available;
- h. the requirements of the Water Framework Directive will not be compromised; and
- i. for proposals generating flows to Ramsey WWTWs appropriate flood mitigation measures are incorporated to minimise flood risk in the Middle Level system.

Where a proposal would be served by the St Neots WWTWs it will only be supported where a pre-development enquiry has been sought

with Anglian Water Services to determine process capacity at the Waste Water Treatment Works. A proposal at a site which the Detailed Water Cycle Study indicates has potentially limited sewer network capacity, will only be supported where a pre-development enquiry has been sought with Anglian Water Services to determine any upgrades needed.

- **Policy LP 8**

Development in the Spatial Planning Areas

Four Spatial Planning Areas (SPAs) have been defined in Huntingdonshire:

St Neots Spatial Planning Area is comprised of St Neots and Little Paxton. St Neots is the primary settlement within this SPA.

Economic Development

A proposal which includes economic development will be supported where it is appropriately located within the built-up area of an identified SPA settlement. An appropriate location for a retail, office, leisure or tourism accommodation scheme will be determined through the application of the sequential approach set out in the National Planning Policy Framework. Relationship of settlements within the Spatial Planning Area

A proposal will be supported where it will not undermine the primacy of the primary settlement within the SPA or adversely affect the relationship between the settlements of the SPA whether this is through its scale or other impacts.

- **Policy LP 13**

Quality of Design

A proposal will need to be designed to a high standard based on a thorough understanding of the site and its context. A proposal will therefore be expected to demonstrate that it:

- a. provides a strong sense of place through a design solution which reflects the surroundings and in the case of large scale proposals through a masterplan which identifies how the place will develop;
- b. contributes positively to the local character, appearance, form and pattern of development through sensitive siting, scale, massing, form and arrangement of new development and use of colour and materials;
- c. includes high quality hard and soft landscaping and boundary treatments so that there is a distinctive environment for the development and to help integration with adjoining landscapes;
- d. respects and responds appropriately to the distinctive qualities of the surrounding landscape, and avoids the introduction of incongruous and intrusive elements into views. Where harm to local landscape character as a result of necessary development is unavoidable, appropriate mitigation measures will be required;
- e. has had regard to the Huntingdonshire Design Guide SPD (2007), Huntingdonshire Landscape and Townscape Assessment SPD (2007) and the Cambridgeshire Design Guide (2007) or successor documents and other relevant advice that promotes high quality design or that details the quality or character of the surroundings including, but not limited to, conservation area character statements, neighbourhood development plans, village design statements, parish plans, urban design frameworks, design briefs, master plans and national guidance; and

f. has engaged positively with independent Design Review during the pre-application stage as appropriate and has implemented recommendations from the process where possible.

- **Policy LP 15**

Ensuring a High Standard of Amenity

A proposal will be supported where a high standard of amenity is provided for existing and future users and residents of both the surroundings and the proposed development. A proposal will therefore be expected to demonstrate how it addresses:

- a. availability of daylight and sunlight, particularly the amount of natural light entering homes, the effects of overshadowing and the need for artificial light;
- b. the design and separation of buildings with regard to the potential for overlooking causing loss of privacy and resultant physical relationships and whether they could be considered to be oppressive or overbearing;
- c. the predicted internal and external levels, timing, duration and character of noise;
- d. the potential for adverse impacts on air quality, particularly affecting air quality management areas;
- e. the potential for adverse impacts of obtrusive light and the contamination of land, groundwater or surface water; and
- f. the extent to which people feel at risk from crime by incorporating Secured By Design principles.

- **Policy LP 17**

Sustainable Travel

A proposal will be supported where it is demonstrated that:

- a. opportunities are maximised for the use of sustainable travel modes;
- b. traffic volumes can be accommodated and will not cause significant harm to the character of the surrounding area;
- c. any adverse effects of traffic movement to, from and within the site including the effect of car parking is minimised;
- d. a clear network of routes is provided that provides connectivity and enables ease of access, to, around and within the proposal and with the wider settlement for all potential users, including those with impaired mobility; and
- e. safe and convenient pedestrian and cycle routes, including links to new and existing services, facilities, footpaths, bridleways and the countryside are provided where appropriate and if possible formalised as rights-of-way.

To demonstrate the likely impacts of a sustainable development proposal, and describe mitigation measures, a Transport Assessment or Transport Statement is likely to be required in accordance with the Council's planning application validation requirements.

- **Policy LP 18**

Parking Provision

A proposal will be supported where it incorporates appropriately designed vehicle and cycle parking with a clear justification for the level of provision proposed, having regard to:

- a. the potential to increase the use of alternative transport modes including public transport, walking and cycling highway safety;
- b. servicing requirements;
- c. the needs of potential users; and

d. the amenity of occupiers of nearby properties.

Parking provision should be considered as an integral part of the design process and its impact on the surrounding townscape and landscape minimised. Reference should be made to the Cambridgeshire Design Guide and the Huntingdonshire Design Guide or successor documents and to the Lifetime Homes standard. Parking facilities may be shared where location and patterns of use permit. Careful consideration will be given to the siting and design of garaging, responding to the character and appearance of the area. Minimum levels of car parking for disabled people as set out in national guidance will be required.

- **Policy LP 28**

Biodiversity and Protected Habitats and Species

A proposal will be supported where it does not give rise to significant adverse impact on:

a. a site of international importance for biodiversity or geology, unless there are exceptional overriding reasons of human health, public safety or environmental benefit;

b. a site of national importance for biodiversity or geology, unless there are exceptional circumstances where the need for, and the benefits of, the development significantly outweigh its impacts on the site;

c. protected species, priority habitats or species, or sites of local or regional importance for biodiversity or geology, unless the need for, and the benefits of, the proposal outweigh the impacts. A proposal will be accompanied by a valid assessment of the likely impacts on biodiversity and geology, including protected species, priority habitats & species and on sites of biodiversity value.

If adverse impacts are identified and they are proven to be unavoidable, every effort will be made to address them by minimisation, then by mitigation. Only where this cannot be achieved will consideration be given to alternative forms of compensation. The value of the site must not be compromised, both on its own or as part of the wider network of sites, to such an extent that the continuing value of the designation is called into question.

A proposal will aim to conserve and enhance biodiversity. Opportunities will be taken to achieve beneficial measures within the design and layout of development. Measures will be included that maintain and enhance existing features of biodiversity value and where possible seek to reverse the decline of species. Priority will be given to measures which assist in achieving targets in the Biodiversity Action Plans (BAPs), that provide opportunities to improve public access to nature and ensure the effective management of biodiversity or geological features, that contribute to the enhancement of ecological networks or enable the adaptation of biodiversity to climate change.

- **Policy LP 29**

Trees, Woodland and Related Features

A proposal will be supported where it avoids the loss of, and minimises the risk of harm to trees, woodland, hedges or hedgerows of visual, historic or nature conservation value, including orchards, ancient woodland and aged or veteran trees. The landscaping scheme for the proposal will incorporate any of these features that lie within the site and should link with any of these features on adjacent land/ nearby.

- A proposal should seek to avoid affecting any:
- a. tree or woodland that is protected by a Tree Preservation Order if this would result in its loss, give rise to a threat to its continued well-being; or
 - b. tree, woodland, hedge or hedgerow of visual, historic, cultural or nature conservation value, where it would result in damage to a feature that would undermine that value. Where such a loss, threat or damage is proven to be unavoidable this will only be acceptable where:
 - c. there are sound arboricultural reasons to support the proposal; or
 - d. the proposal would bring benefits that outweigh the loss, threat or damage to the feature concerned and the loss, threat or damage is addressed through minimisation and provision of appropriate mitigation measures, reinstatement of features and/ or compensatory tree planting, landscaping or habitat creation to ensure the character of the landscape or townscape is protected as far as is possible.

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

4. PLANNING HISTORY

- 4.1 80/1609 – Layout of Roads and Sewers to Serve Light Industrial Land and Office and Research premises – approved with conditions and Section 52 agreement. Permission not implemented and therefore expired.
- 4.2 83/1179 – detached building of 686m² on Plot 1 – approved. Permission not implemented and therefore expired.
- 4.3 83/1181 – a range of buildings with floorspace of 1,565m² on Plot 2 – approved. Permission not implemented and therefore expired.
- 4.4 83/1215 – Roads Footpaths and Sewers – permission granted subject to conditions. Permission commenced with the construction of kerbs and the first section of the accesses.
- 4.5 85/0652 – Site Entrance Walls gates and display panels – approved. Permission not implemented and therefore expired.

5. CONSULTATIONS

- 5.1 **Little Paxton Parish Council – Recommends refusal** (copy attached).
- 5.2 County Council as Highway Authority – No objections subject to conditions and appropriate Section 106 obligations.
- 5.3 Highways Agency - No objections.
- 5.4 HDC Environmental Health – No objections subject to noise conditions to protect residential amenity of residential occupiers adjacent.
- 5.5 Natural England – No objections. Recommend biodiversity enhancements through landscaping, bird nesting features and sustainable urban drainage systems.

- 5.6 Environment Agency – no objections subject to conditions relating to Flood Risk Mitigation Measures, Surface Water Drainage, Ecological Survey, mitigation and enhancement measures, contamination investigation and remediation measures and scheme for the provision and implementation of pollution control of the water environment.

6. REPRESENTATIONS

- 6.1 A total of 48 letters have been received of which 47 were objecting to the proposal and make the following points:

- * Industry next to new housing development not appropriate.
- * Additional traffic on top of increased traffic volumes over last few years
- * Additional traffic on Mill Lane which cannot cope with increased volume especially when the bridge is closed due to flooding
- * The construction of the roundabout at Mill Lane/Gordon Road has not improved the traffic situation and is already damaged
- * The weight limit on the bridge is frequently flouted
- * Access for emergency vehicles would be made more difficult
- * Access to A1 not appropriate and access impossible when traffic backed up on A1
- * Adverse effect on highway and pedestrian safety
- * The developer should fund all the highway improvements
- * Turning left out of Skipper Way is very difficult especially when the traffic is backed up
- * Application being over 20 years old is unethical as searches on nearby new residential only went back 12 years
- * The development did not show up on any searches
- * Inaccurate and out of date plans
- * Conflicts with sustainable development principles
- * Applicant is bankrupt, has no directors nor has filed accounts
- * Land should be used for something which does not generate traffic
- * A full environmental impact should be carried out
- * Traffic analysis based on assumptions
- * Will intrude on the riverside frontage
- * No need for industrial development in Little Paxton as there are many empty units already
- * Planning policy situation has changed over the last 20 years
- * A lawful use certificate should be applied for in the first instance
- * If approved there should be substantial planting buffer between site and the industrial use sufficient to reduce noise and visual impact
- * Should be connecting footpaths to adjacent residential site
- * Should be contributions towards Green Travel plan, Council's Transport strategy and improvement of A1 slip access
- * Implications for drainage, sewerage and flooding
- * Potential for pollution
- * Adverse impact upon trees
- * Adverse visual effect and impact upon Conservation Area
- * Height of 12 metres for buildings is excessive
- * Adverse impact upon wildlife
- * The River Great Ouse is a corridor for wildlife and migrating birds
- * Loss of light
- * Loss of privacy
- * Result in anti-social behaviour with possibility of boy racers
- * The development should be gated so that the car parks cannot be used illegally

- * Unsocial hours of operation
- * Loss of property value
- * Inadequate information
- * Development should be restricted to B1 and B2 and any R&D licences taking full account of adjacent housing
- * Little information on users of the buildings
- * Noise and disturbance from construction and early and late hours of operation
- * It is a Greenfield site
- * This development will not help the companies and shops which are failing in St Neots
- * Adverse effect on wildlife including Little Paxton nature Reserve
- * Site should be used for residential
- * loss of village identity
- * Contrary to Little Paxton Village plan

6.2 There has been 1 letter of support which makes the following points:

- * The replacement of employment land at Bydand Lane to this superior location
- * This will put pressure on long overdue improvements to the A1

7. SUMMARY OF ISSUES

7.1 The main issues to be considered here are planning history of the site, the relevant planning policies both national and local, the principle of business use on the site (including flooding issues), traffic and highways issues, impact upon residential amenity, landscape and ecology issues and additional matters raised by third parties.

Planning History of the Site

7.2 The planning history on this site goes back to 1980 when the original planning permission was granted; this permission however was not implemented and has now expired. Two separate permissions for commercial buildings on Plots 1 and 2 granted in 1983 have also expired. The most relevant application to consider is the application reference number 83/1215 which granted permission for roads, footpaths and sewers subject to two conditions requiring that the development commence within 5 years and it be carried out in accordance with the approved plans and specifications. Prior to the 5 year expiry a legal commencement to permission 83/1215 was made with the construction of the northernmost vehicular access. This can be seen on site by the kerb radii and the hard surface of the access going into the site. The southernmost access is evident but without kerb radii and does not extend into the site.

7.3 The 1995 Local Plan subsequently identified the site in its Proposals Map as an Outstanding Major Employment Commitment and in his report the 1995 Local Plan Inspector commented 'the permission remains valid by virtue of the partial construction of a vehicular access to the Great North Road in accordance with the details approved in 1983'. In the later adopted Core Strategy 2009 policy CS7 identifies the site as an existing commitment which might come forward during the plan period.

- 7.4 There has therefore been an expectation that the site would be developed for employment use from both the commencement of the development and the commitment in both the Local Plan and later Core Strategy. It is relevant to note that previous employment sites in Little Paxton (Bydand Lane and Samuel Jones site) have been redeveloped for housing in recent years.

Planning Policy

- 7.5 The planning policy for this site is inextricably linked to the planning history outlined above, and the commitment through the 1995 Local Plan and the Core Strategy for the development of the site for business use. The application as submitted also has to be considered against the relevant national and local planning policies.
- 7.6 At the heart of the NPPF is a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan and where the development plan is out of date, absent or silent granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits.
- 7.7 In this case the development plan comprises the 1995 Local Plan and the 2009 Core Strategy. As well as recognising the site as a commitment for employment use, both plans encourage sites for employment use subject to environmental designations and constraints.
- 7.8 There has therefore been a continuous thread of policy support for the use of this site for employment use for some considerable period of time and it now falls for the proposal to be considered against the other material considerations.

Flood Risk

- 7.9 Since the application was originally submitted a considerable body of new advice on flooding is now relevant. Having regard to the Strategic Flood Risk Assessment, the majority of the site is within Flood Zone 2; the south eastern area shown in the indicative layout as a landscape belt is within Flood Zone 3a and a very small area at the extreme south western corner also within the landscape belt is within Flood Zone 3b. General industry and offices are classified as less vulnerable uses which are appropriate development within Flood Zones 1, 2 and 3a. The application is now accompanied by a new flood risk assessment and this concludes that the use is acceptable, floor levels should be above 15.88m, and the use of Sustainable Urban Drainage together with surface water attenuation to control flows will ensure that there are no off site adverse effects. The Environment Agency does not object subject to conditions relating to Flood Risk Mitigation Measures, surface Water Drainage Scheme, Ecological Survey, mitigation and enhancement measures, contamination and pollution control of the water environment. The fact that a very small part of the site is within Flood Zone 3b is not considered to conflict with the advice in the NPPF Technical Guidance since this part of the site will not be developed and will form part of the landscape belt.

- 7.10 The proposed business use on this site is therefore acceptable in terms of flooding.

Traffic and Highways

- 7.11 This application is accompanied by a Transport Assessment (TA) completed in 2007 based on traffic counts taken in January 2006. The results of this TA indicated that with the proposed development the junction of Great North Road/Mill Lane would operate slightly over capacity in 2017 in the morning peak. As a result of this modifications to the junction, including the widening of Mill Lane to provide two lanes on the approach to the junction and local widening of Great North Road to allow right turning vehicles to queue without blocking through traffic, were proposed. With these modifications the impact of the development upon traffic generation and the use of local road was seen to be acceptable. A further Transport Assessment and traffic surveys were carried out in July 2012 to determine whether the conclusions of the original TA are still valid. These surveys looked at the assumptions of the original TA and has concluded that there would be a traffic increase of 3.4% in the pm peak. The County Council as highway authority is satisfied with the conclusions of the TA and does not object to the proposed development on highway safety terms subject to conditions to ensure that the highway improvements proposed are carried out.
- 7.12 In the interests of sustainable transport and to maximise non car travel the applicant has agreed as part of the St Neots Market Town Strategy a financial contribution of £57,000 towards an improved footpath/cycle link between Little Paxton and St Neots railway station; and funding for a period of 5 years towards extending an existing bus service to serve the development or the provision of a commercial mini bus service providing 3 return services per week between the site and the St Neots Rail station.

Other points relating to traffic concerns have been raised by residents and the highway officer has commented as follows:

- 7.13 “1) Narrowness of the road over the Great Ouse
The narrowness of the road across the bridge over the river Ouse does not in itself relate as a safety issue regarding the road width, there is a sufficient width to take standard passing saloon cars and only when larger vehicles meet does one stream have to give way to the other. This therefore is no different to a traffic calming feature which will slow vehicles down on its approaches to the restriction. The dangerous nature of this narrowing also can not be substantiated at this location by accident data. It is considered that an objection based on terms of safety could not be supported as this can not a demonstrable element.
- 2) Excessive vehicular movements and large vehicle usage
The development has the potential to increase delays, these have been looked at and assessed by our new communities team and have been accepted Mill Lane also forms part of weight restriction area so large vehicles from the site are unlikely to travel via this route therefore these reasons could not be used or substantiated at appeal as being a valid reason for refusal.

3) Poor access from Skipper Way

The access into Skipper Way was assessed at the time of its construction and conforms to normal highway geometry and visibility for a normal residential road., it is also not directly related to the application site as it is an existing junction and would not be affected in its day to day operation, this is also backed up by the lack of any accident data at this junction.

4) Poor access onto A1 southbound

The junction where The Great North Road meets the A1 is a junction maintained by the Highway Agency and I presume that they also would be consulted regarding the intensification of use of this junction as to any objections or concerns they may have. From observation this junction is constructed to a standard appropriate to the condition of the roads, even though no slip roads is present the junction has a give way feature with sufficient visibility in accordance with the Design Manual for Roads and Bridges, this is also substantiated by the lack of accident statistics at this junction.

5) Access for existing residential site refused access from Great North Road and made to come out onto Mill Lane.

Previous residential application not connecting to Great North Road, it has been indicated that the access onto Great North Road was objected to on highway safety grounds, no information has been found regarding the accuracy of these comments, and it seems more likely that the junction onto Mill Lane was preferred by the local planning authority for reasons of integration with Little Paxton over any other. An access onto Mill Lane would have been easily achievable in purely highway safety terms.”

- 7.14 The transport information shows that the traffic impacts of the proposal are acceptable in highway safety terms and that a refusal could not be substantiated.

Impact Upon Residential Amenity

- 7.15 The impact upon residential amenity is mainly concerned with the potential conflict of the new residential area adjacent and the impact of any noise from the proposed uses.

- 7.16 It is likely that B2 (general industrial) uses in such close proximity to the residential areas will be unacceptable because of that potential conflict and the likelihood that noise levels would not be acceptable. However B2 sites may be acceptable on the west side of the site subject to proposal specific noise assessments. B1 (offices, R&D and light industry) uses, by their very definition as a use appropriate to a residential area which does not giving rise to noise, vibration, smell, fumes, smoke, ash, dust or grit would be acceptable in the area adjacent to the residential dwellings. It would however be important to ensure that the landscape belt on this boundary was substantial and car parking areas were located a suitable distance from the boundary, preferably behind buildings to minimise noise propagation to residential areas. The position of access doors and external plant should be carefully considered and would be considered as part of the consideration of reserved matters applications. The

Environmental Health officer has recommended conditions to ensure the following:

* A scheme for boundary treatment to the north east and south east borders of the site will be submitted to the Council and agreed in writing prior to development taking place. The boundary treatment will be constructed in accordance with the agreed scheme. The Council's expectation is that the scheme will comprise a bund with a suitable acoustic barrier on the top.

* Noise assessments will be submitted for each development proposal with the reserved matters applications. These assessments will include details of proposed noise sources and an assessment of noise propagation and exposure at residential receptors. Recommendations for mitigation should be included where necessary. The Council's expectation in terms of a BS4142:1997 noise assessment would be for a rated level of 0dB over background at residential receptors.

* Proposed hours of operation will be submitted for each development proposal with the reserved matters applications. Where evening, night time or weekend operations are proposed the submitted noise assessment will fully consider the associated noise impacts.

Landscape and Ecology Issues

7.17 This site is located in close proximity to St Neots Common SSSI, Little Paxton SSSI and Little Paxton Woods SSSI. Given the nature and scale of the proposal Natural England do not object to the proposal and recommend biodiversity enhancements with native species of plants in landscaping, artificial bird and bat roosting sites being incorporated into buildings and the use of sustainable urban drainage systems. In addition Natural England also recommend that protected species are identified and confirmed as not being affected by this development. This aspect should be covered by the imposition of a planning condition.

Additional Matters Raised

7.18 Little Paxton Parish Council have raised a number of points and traffic and transport issues have been dealt with above. The comment about the accuracy of the bus timetable does not have a bearing upon the conclusion on the acceptability of the development and the Highway Authority has verified that the traffic analysis is robust. Drainage will be dealt by condition. Their comment about inappropriate scale of development is noted but there is a commitment in planning policy.

Other Third Party Points Raised

7.19 * Flouting of the weight limit – this is a matter for the police and could not be a reason for refusal of the application
* Land Searches not revealing this proposal – the answers given to a search depend upon the questions asked
* Applicant is bankrupt and no accounts have been filed – the financial status of the applicant is not a matter for the local planning authority

* Environmental Impact Analysis (EIA) was not carried out – an EIA was not carried out for the adjacent residential development which is on a site of a similar size. A screening opinion has been carried out and it has been concluded that an Environmental Assessment is not required.

* There is no need for the development – concern has been expressed about the numbers of vacant commercial units in the surrounding area and expressing the opinion that additional commercial space is not needed. It is not for the local planning authority to refuse this application on the basis of lack of need.

* Need connecting footpaths to the adjacent residential site – the indicative layout shows two connecting footpath links through to the adjacent housing development.

* Height of 12 metres is excessive – some of the building on the adjacent residential site are at a similar height and subject to adequate landscaping and space around buildings it is considered that the proposed commercial buildings can be assimilated into the surrounding environment.

* Anti-social behaviour – the advice of the police architectural liaison officer will be sought through the planning process of the reserved matters applications.

* Loss of property value – this is a private matter and not an issue to be considered through the planning system which operates in the public interest rather than the private interest. The planning matters that may affect property values have however been considered above.

* Several letters have queried the status of the applicant. The agent responded that the applicant Altodale Ltd was a nominee holding company for the beneficiaries (the landowners) which was dissolved at the end of 2011. Although the nominee company no longer exists the beneficiaries remain the same and are now represented by the Trustees who are Mr M Connolly and Mr S Hutchinson. The application is being pursued on their behalf.

Conclusion

7.20 The planning history for this site extends back to the 1980's when the previous planning application for roads and sewers was commenced with the construction of the access road. Since that date the use of this site for commercial uses has been viewed as a commitment and this has been reflected in the inclusion in the 1995 Local Plan and the 2009 Core Strategy. There are no objections to the proposal from statutory Consultees on the grounds of traffic generation, flooding, or wildlife and biodiversity. Residential amenity can be protected through the imposition of appropriate conditions. It is therefore recommended that planning permission can be granted for the application subject to a Section 106 agreement relating to sustainable transport matters and planning conditions.

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.

8. RECOMMENDATION - APPROVE subject to Section 106 Agreement and conditions to include the following:

01003 Reserved matters within three years

01002	Plans and particulars in writing
01004	Dates for submission of details
01005	Reserved matters all conditions remain
05001	Approval of External Materials
Nonstand	Access minimum width
Nonstand	Construction access details
Nonstand	Parking and turning space
Nonstand	Temporary facilities for construction vehicles
Nonstand	Visibility splays
Nonstand	Access radii
Nonstand	Wheel washing
Nonstand	Off site highway works
Nonstand	Flood Risk Mitigation scheme
Nonstand	Surface water drainage
Nonstand	Ecological survey
Nonstand	Contamination survey and mitigation
Nonstand	Pollution control
Nonstand	Acoustic boundary treatment
Nonstand	Hours of operation
06004	Tree details (insert)
Nonstand	Biodiversity enhancements
Nonstand	Noise assessments for each RM app
Nonstand	Travel plan

CONTACT OFFICER:

Enquiries about this report to **Jennie Parsons Development Management
Team Leader 01480 388409**

To: DevelopmentControl[/O=HUNTS DISTRICT COUNCIL/OU=HDC/CN=RECIPIENTS/CN=DEVELOPMENTCONTROL];
Subject: Comments for Planning Application 9002015OUT
Sent: Fri 3/2/2012 10:40:17 AM
From: developmentcontrol@huntsdc.gov.uk

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 10:40 AM on 02 Mar 2012 from Mrs Jenny Gellatly.

Application Summary

Address: Land For Development West Of Windmill Cottage Mill Lane Little Paxton St Neots Cambridgeshire

Proposal: Erection of buildings for business and industrial uses. Land at Riversfield, Little Paxton.

Case Officer: Jennie Parsons

[Click for further information](#)

Customer Details

Name: Mrs Jenny Gellatly

Email: littlepaxton@hotmail.com

Address: 11 Hayling Avenue, Little Paxton, St Neots, Cambridgeshire PE19 6HG

Comments Details

Commenter Type: Town or Parish Council

Stance: Customer objects to the Planning Application

Reasons for comment: - Detrimental to highway safety

- Detrimental to pedestrian safety
- Inadequate access
- Inadequate drainage arrangements
- Inappropriate scale of development
- Overbearing impact of development
- Traffic creation/problems

Comments: Detrimental impact to highway safety Detrimental impact to pedestrians- Since the building of the new housing development at Mill Lane , the Mill Lane road is increasing more difficult to cross with no pedestrian crossing especially parents for parents taking children to school and for other residents accessing village amenities . Inadequate access Inadequate drainage arrangements- infrastructure for village sewage & drains already overloaded. Inappropriate scale of development. Overbearing impact of development Traffic creation problems The information given about public transport (dated 2009) is insufficient and inaccurate. Buses now run every two hours and not hourly. Incidents on the A14 often leads to traffic being diverted through Little Paxton causing excessive numbers of vehicles through the village.

Development Management Panel



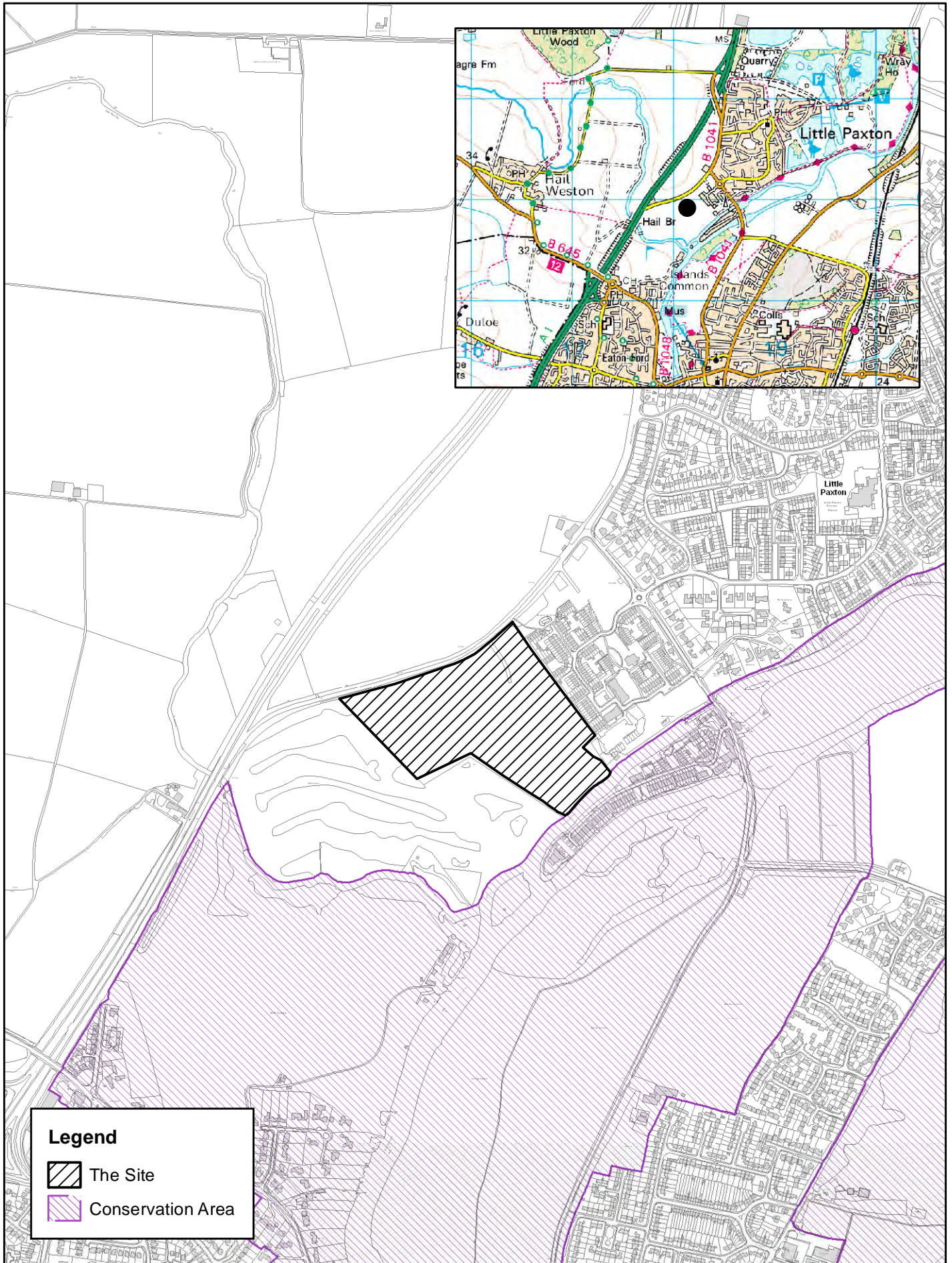
Scale = 1:10,000

Application ref: 9002015OUT

Date Created: 24/07/2013

Location: Little Paxton

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Ordnance Survey HDC 100022322



BUSINESS PARK DEVELOPMENT - RIVERSFIELD, LITTLE PAXTON, CAMBS.

STRATEGIC PLANTING PROPOSAL

SCALE 1:2500



THE SITE

Riversfield Mill

Windmill Cottage

Island Mill

Golf Course

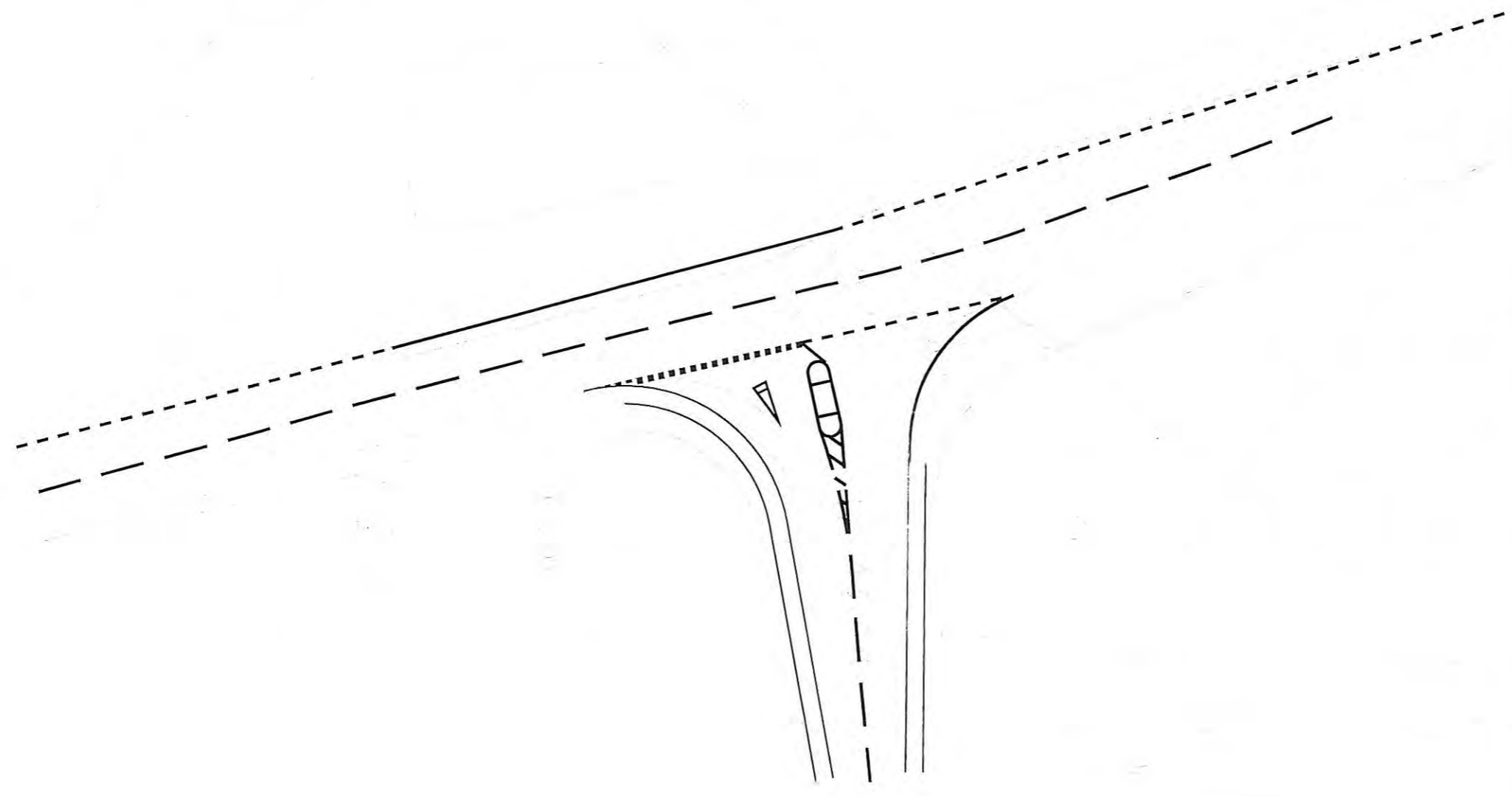
REPRODUCED FROM THE 19 ORDNANCE
SURVEY (1:2500)
MAP WITH THE PERMISSION OF THE
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DH Barford+C

CHARTERED SURVEYORS
Howard House - 17 Church Street
Cambridge

INDICATIVE LAYOUT





KEY

 Footway

03 NOV 2011
RECEIVED

Rev	Drawn	Apprd	Date	Description

Issued For Information

Client
D H BARFORD

CONSULTING ENGINEERS
URS
200 Harpur Centre, Home Lane, Bedford MK40 1TS. Tel: 44 (0) 1234 349641

Office of Origin
Bedford

Designed	S.O'C.	Date	Oct 06	Checked	S.O'C.	Date	Nov 06
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Drawn	A.S.R.	Date	Oct 06	Approved	J.A.	Date	Nov 06
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Scales	1:500	Orig Size	A3
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Project
RIVERSFIELD, LITTLE PAXTON

Drg. Title
**Great North Road / Mill Lane
Junction Improvements**

Drg. No.	44550404/P/1953/001	Rev.		Sheet No.	
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TOWN & COUNTRY PLANNING ACT, 1990

OUTLINE PLANNING PERMISSION

Mr M Connolly And Mr S Hutchinson
c/o D H Barford & Co
Howard House
17 Church Street
St Neots
PE19 2BU

Huntingdonshire District Council in pursuance of powers under the above Act, hereby **PERMIT**

**Erection of buildings for business and industrial uses
at Land For Development West Of Windmill Cottage Mill Lane Little Paxton St Neots
Cambridgeshire**

in accordance with your application received on 27th December 1990 and plans (listed below) which form part of the application

Plan Type	Reference	Version	Date Received
Site Plan			27.12.1990
Highway dimensions	001		03.11.2011

Subject to the following conditions:

1. Condition

Approval of the details of the access; appearance; landscaping; layout; scale (hereinafter called the "reserved matters") shall be obtained from the Local planning Authority in writing before any development is commenced.

1. Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended.

2. Condition

Plans and particulars of the reserved matters referred to in the condition above, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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Head of Development

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Date 5th March 2015

Page 1 of 10



2. Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended.

3. Condition

The development hereby permitted shall be begun before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

3. Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended.

4. Condition

Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4. Reason

To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990, as amended.

5. Condition

Details of the type, colour and texture of all materials to be used for the external surfaces of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development to which this permission relates. The development shall be carried out in accordance with the approved details.

5. Reason

To ensure a satisfactory external appearance and grouping of materials in accordance with Policy En25 of the Huntingdonshire Local Plan, 1995.

6. Condition

The accesses shall be a minimum width of 7.3m, for a minimum distance of 20m measured from the near edge of the highway carriageway.

6. Reason

In the interests of highway safety.

7. Condition

Prior to the commencement of the first use the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with details to be submitted to and approved in writing by the local planning authority.

A. Moffat

AM

Head of Development

ufm3

Date 5th March 2015

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The logo for Huntingdonshire District Council features a stylized landscape with a bridge and hills above the text "Huntingdonshire" in a large, bold font, with "DISTRICT COUNCIL" in a smaller font below it.

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DX140316 Huntingdon SC

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www.huntingdonshire.gov.uk

7. Reason

In the interests of highway safety and to ensure satisfactory access into the site.

8. Condition

Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to:

a) Enter, turn and leave the site in forward gear

b) Park clear of the public highway

The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

8. Reason

In the interests of satisfactory development and highway safety.

9. Condition

Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction.

9. Reason

In the interests of highway safety.

10. Condition

Prior to the commencement of the proposed use visibility splays shall be provided each side of the vehicular accesses. Minimum dimensions to secure the required splays shall be 2.4m, measured along the centre line of the proposed access from its junction with the channel line of the highway carriageway, and 215m, measured along the channel line of the highway carriageway from the centre line of the proposed access. The splays shall be thereafter maintained free from any obstruction exceeding 0.6m above the level of the highway carriageway.

10. Reason

In the interests of highway safety.

11. Condition

Prior to the commencement of the proposed use the junction of the access with the highway carriageway shall be laid out with 15m radius kerbs.

11. Reason

In the interests of highway safety.

12. Condition

Prior to the commencement of any development or construction works on the site, details of vehicle wheel washing facilities shall be submitted to and approved in writing by the Local Planning Authority.

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12. Reason

To prevent mud and extraneous material being deposited on the highway.

13. Condition

Prior to the commencement of the development hereby permitted the off-site highway improvement works shall be submitted to and approved in writing by the local planning authority. The works shall be complete before the first occupation of the buildings hereby approved.

13. Reason

To ensure that the highway network is adequate to cater for the development proposed and improvements are in place prior to the use commencing.

14. Condition

The development hereby permitted shall not be commenced until such time as a scheme for Flood Risk Mitigation Measures in accordance with the approved Flood Risk Assessment (FRA) reference 1062/09 undertaken by Michael Thomas Consultancy has been submitted to, and approved in writing by, the local planning authority.

The works shall:

1. Follow the principles as outlined in the Flood Risk Assessment (FRA) reference 1062/09 undertaken by Michael Thomas Consultancy.
2. Demonstrate no loss of floodplain via appropriate level for level and volume for volume floodplain compensatory works utilising flood risk data no older than six months from the date of submission of detailed design.
3. Ensure no raising of ground levels in the floodplain at all stages of development.
4. Include details of how the scheme shall be maintained and managed after completion.
5. Ensure finished floor levels are set no lower than 15.88 metres above Ordnance Datum (AOD).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

14. Reason

To reduce the impact of flooding on the proposed development and future occupants and ensure no increased risk of flooding elsewhere in perpetuity with the development.

15. Condition

Development shall not commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

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1. Details of how the scheme shall be maintained and managed after completion.
2. Details of pollution control measures within the surface water disposal system.

15. Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

16. Condition

Prior to the commencement of any development, an ecological survey will be required. The survey and risk assessment should:

- * identify any rare, declining, protected or otherwise important flora, fauna or habitats within the site;
- * assess the importance of the above features at a local, regional and national level;
- * identify the impacts of the scheme on those features;
- * demonstrate how the development will avoid adverse impacts, especially on the River Great Ouse County Wildlife Site and associated habitats and wildlife including otters;
- * propose mitigation for any adverse ecological impacts or compensation for loss;
- * propose wildlife/ habitat enhancement measures.

16. Reason

To protect the natural habitat of the site and immediate surrounding area.

17. Condition

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with any risks associated with contamination of the site identified by the preliminary risk assessment in 1) below shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- * all previous uses
- * potential contaminants associated with those uses
- * a conceptual model of the site indicating sources, pathways and receptors
- * potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any

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requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

17. Reason

To prevent the increased risk of contamination to surface and ground waters.

18. Condition

Prior to the commencement of any development, a scheme for the provision and implementation of pollution control to the water environment, which shall include foul and surface water drainage, shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans.

18. Reason

To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of pollution to the water environment.

19. Condition

Development proposals adjacent to the north east boundary will include appropriate acoustic attenuation that shall be submitted to and approved in writing prior to the commencement of the development. The scheme shall be fully implemented as approved prior to the first occupation of that building.

19. Reason

In the interests of residential amenity and to comply with policy H30 of the Huntingdonshire Local Plan 1995.

20. Condition

Each reserved matters application submitted pursuant to Condition 2 above for proposed B1c) and B2 uses shall include details of the proposed hours of operation.

20. Reason

In the interests of residential amenity and to comply with policy H30 of the Huntingdonshire Local Plan 1995.

21. Condition

The plans and particulars submitted in accordance with condition above shall include:
a) a plan showing the location of, and allocating a reference number to each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each tree;

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Date 5th March 2015

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b) details of the species, diameter (measured in accordance with paragraphs (a) above, and the approximate height, and an assessment of the general health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply:

c) details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site;

d) details of any proposed alterations in existing ground levels, and of excavation, (within the crown spread of any retained tree or any tree on land adjacent to the site) (within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree);

e) details of the specification and position of fencing (and of any other measures to be taken) for the protection of any retained tree from damage before or during the course of development.

21. Reason

To safeguard existing trees and hedgerows and the visual character of the area in accordance with Policy En18 of the Huntingdonshire Local Plan, 1995.

22. Condition

Prior to the commencement of the development details of biodiversity enhancements to include landscaping, nesting and roosting sites and sustainable urban drainage systems and a timetable for implementation shall be submitted to and approved in writing by the local planning authority. The enhancements shall be implemented in accordance with the approved timetable.

22. Reason

In the interests of biodiversity.

23. Condition

Each reserved matters application submitted pursuant to Condition 2 above for proposed B1c) and B2 uses shall include details of proposed noise sources and an assessment of noise propagation and exposure at residential receptors and recommendations for mitigation. The approved mitigation measures shall be fully implemented prior to the occupation of the building to which it relates.

23. Reason

In the interests of residential amenity and to comply with policy H30 of the Huntingdonshire Local Plan 1995.

24. Condition

Prior to the occupation of each individual building hereby approved, full details of a Travel Plan shall be submitted to and approved in writing by the local planning authority. The individual Travel Plan should accord with the Framework Travel plan for the whole site and should specify measures to discourage the use of private motor transport as well as encouraging the use of transport alternatives, including car sharing, bus use, cycling and walking. The Travel Plan shall also include the details of the provision of any bus stops within the site. The approved plan shall

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AK **Head of Development**
ufm3
Date 5th March 2015

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be fully implemented within 1 month of the occupation of each individual building and subject to regular monitoring.

24. Reason

In the interests of sustainable transport.

25. Condition

Notwithstanding the details submitted in the Design and Access Statement prior to the commencement of the development full details of the proposed strategic landscaping around the boundaries of the site shall be submitted to and approved in writing by the local planning authority. The details shall include proposed species and planting mix details, planting densities, size of nursery stock when planted, a management and maintenance regime covering a period of 5 years after planting, and a timetable for implementation. Any species which within 5 years of planting die or become diseased shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.

25. Reason

To enhance the appearance of the development.

26. Condition

The development hereby permitted shall be carried out in accordance with the approved plans listed in the table above.

26. Reason

For the avoidance of doubt to ensure that the development is carried out in accordance with the approved plans.

27. Note to applicant

Statement as to how the Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner on seeking solutions:

The LPA positively encourages pre-application discussions and makes clear that applications will then normally be determined as submitted. Details of the 'Pre-Application Advice' process can be found on the Planning pages on the Council's website www.huntingdonshire.gov.uk. If, as proposed, a development is considered unacceptable and it is apparent how it can be revised to make it acceptable, the LPA will set out how it can be amended to make it acceptable as part of its response to a pre-application enquiry. When an application is received, conditions will be used where they can make a development acceptable. A clear reason for refusal identifies the specific reasons why the development is unacceptable and helps the applicant to determine whether and how the proposal can be revised to make it acceptable. In relation to this application, it was considered and the process managed in accordance with Paragraphs 186 and 187 of the NPPF.

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A. Moffat
Head of Development

ufm3

Date 5th March 2015

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28. Note to applicant

A fee is payable for each "request" when submitting details pursuant to a condition or conditions of this permission that require(s) details to be submitted to and approved by the Local Planning Authority (i.e. details submitted under Article 21 of the Town and Country Planning (General Development Procedure) Order). Further details on what constitutes a "request" can be found in the "Guidance Note - Fees for confirmation of compliance with condition attached to a planning permission". The appropriate fee can be found in the "Planning Fees Form". Both documents can be viewed via www.huntsdc.gov.uk. The Local Planning Authority should give written confirmation within a period of 8 weeks from the date on which the request and fee are received.

29. Note to applicant

This This permission is related to an Agreement entered into by the applicant and the Huntingdonshire District Council, under Section 106 of the Town and Country Act 1990.

30. Note to applicant

The applicant is advised to consider the location of appropriately placed bus stops as part of the detailed development.

A. Moffat

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Head of Development

ufm3

Date 5th March 2015

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NOTES

1. **Rights of Appeal under the Town and Country Planning Act, 1990 Section 78, The Planning (Listed Buildings and Conservation Areas) Act 1990 Section 20 and the Town and Country Planning (Control of Advertisement) Regulations 1989.**
2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant permission subject to conditions, he/she may appeal to the Secretary of State responsible for planning within;
 - **Six months from the date of this decision notice.**
 - **Eight weeks from the date of this notice if the decision relates to an advertisement.**
3. Appeals must be made on a form which is obtainable from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Alternatively all forms can be downloaded from their website www.planning-inspectorate.gov.uk. The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the Development Orders and to any directions given under the Orders. He does not, in practice, refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him.
4. If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State responsible for planning and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County District in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with the provision of Part VI of the Town and Country Planning Act, 1990.
5. In certain circumstances, a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of an application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
6. This decision notice does not convey any approval or consent which may be required under any enactment, bye-law or regulation other than Section 57 of the Town and Country Planning Act 1990.

A. A. A. A.

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Head of Development

ufm3

Date 5th March 2015

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Huntingdonshire
DISTRICT COUNCIL

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the DEVELOPMENT MANAGEMENT COMMITTEE held in the Burgess Hall, One Leisure St Ives, Westwood Road, St Ives, PE27 5WU on Monday, 17 September 2018.

PRESENT: Councillor E R Butler – Chairman.

Councillors J D Ablewhite, Mrs S Conboy, K P Gulson, Dr N Johnson, C J Maslen, J Neish, K I Prentice, T D Sanderson, R G Tuplin and R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors L A Besley, S M Burton, D B Dew, R Fuller and M J Humphrey.

36. MINUTES

The Minutes of the meeting of the Committee held on 20th August 2018 were approved as a correct record and signed by the Chairman.

37. MEMBERS' INTERESTS

Councillor K I Prentice declared a non-statutory disclosable interest in Minute No 40 by virtue of the fact that the application related to the Ward he represented.

Councillor K P Gulson declared a non-statutory disclosable interest in Minute No 41 (g) by virtue of the fact that the application related to the Ward he represented.

Councillor J Neish declared non-statutory disclosable interests in Minute Nos 38, 41 (b), 41 (c), and 41 (h) by virtue of the fact that the applications related to the Ward he represented.

Councillor C J Maslen declared a non-statutory disclosable interest in Minute No 41 (a) by virtue of the fact that he was a Member of the St Neots Town Council Planning Committee when the application was considered and addressed the Committee on the application but did not vote on it.

Councillor T D Sanderson declared a non-statutory disclosable interest in Minute No 40 by virtue of the fact that he was a Member of Huntingdon Town Council and remained in the room but left the meeting and did not participate in the debate or vote on the item.

Councillor R J West declared a non-statutory disclosable interest in Minute No 39 by virtue of the fact that the application related to the Ward he represented.

Councillor R G Tuplin declared a non-statutory disclosable interest in Minute No 40 by virtue of the fact that the application had been considered at a meeting of a Parish Council at which he had been present but had not participated in the debate or voted on it. Councillor Tuplin remained in the meeting and took part in the debate and voted on the item.

38. AGENDA ITEM 4 (I) - EARITH

See Minute No 18/37 for Members' interests.

RESOLVED

that item 4 (i) – Earith be deferred to enable an ecological survey to be completed.

39. AGENDA ITEM 4 (J) - GREAT GRANSDEN

RESOLVED

that item 4 (j) – Great Gransden be deferred to enable further consultation to be carried out and for the consideration of any comments that are received.

40. DEVELOPMENT MANAGEMENT - DEFERRED ITEM - CONSTRUCTION OF A NEW CREMATORIUM WITH ASSOCIATED CAR PARKING, MEMORIAL GARDENS, ACCESS ROAD, ACCESS AND LANDSCAPING. - LAND NORTH OF WYTON PIGGERY COTTAGE, SAWTRY WAY, WYTON - 18/00700/FUL

(Councillor P Bassitt, Kings Ripton Parish Council, Councillor S Bywater, Ward Member, Mr P Haycock and Mr P Peacock, objectors, and Mr P Downes, on behalf of the applicant, addressed the Committee on the application).

See Minute No 18/37 for Members' interests.

Pursuant to Minute No 18/27 (d), the Committee gave consideration to an addendum report by the Planning Services Manager (Development Management) together with the report to the meeting of the Committee held on 16th July 2018 on an application for development on land north of Wyton Piggery Cottage, Sawtry Way, Wyton. Copies of the reports are appended in the Minute Book.

The Committee discussed whether the applicant had complied with the request for further survey data to be compiled. Following a request for clarification of this matter from the representative of Cambridgeshire County Council's Highways section, it was established that the data submitted had previously been considered during assessment of the original application. Members were of the view that the request made under Minute No 18/27 had not been complied with and that further survey work was required to enable them to give proper consideration to the application. Having received confirmation from its representative that the applicant would be willing to undertake this work in conjunction with the County Council's Highways section, it was

RESOLVED

that the application be deferred for the applicant, in conjunction with Cambridgeshire County Council Highways, to undertake and submit up-to-date traffic survey data to cover but not restricted to all relevant main junctions including the roundabout at the A141, together with safety and speed considerations having regard to comments previously provided by the Police.

41. APPLICATIONS REQUIRING REFERENCE TO DEVELOPMENT MANAGEMENT COMMITTEE

The Planning Service Manager (Development Management) submitted reports (copies of which are appended in the Minute Book) on applications for development to be determined by the Committee. Members were advised of further representations, which had been received since the reports had been prepared. Whereupon, it was

RESOLVED

- (a) **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. - Part of Land at Riversfield, Great North Road, Little Paxton - 18/01492/OUT**

(Councillor J Matterson, Little Paxton Parish Council, Councillor C Maslen, St Neots Town Council, Councillor B Chapman, Ward Member, Councillor D Wells, Cambridgeshire County Council, and Mr S Tindle, agent, addressed the Committee on the application).

See Minute No 18/37 for Members' interests.

that, subject to the prior completion of a Section 106 obligation to secure affordable housing, open space and funding for wheeled bins, the application be approved subject to conditions to be determined by the Head of Development to include those listed in paragraph 8 of the report now submitted, or refused in the event that the obligation has not been completed and the applicant is unwilling to complete the obligation necessary to make the development acceptable.

- (b) **Proposed residential and commercial development (up to 26 dwellings and 4 commercial units) - Land North Of 10 Station Road, Bluntisham - 17/01015/OUT**

(Councillor R Gore, Bluntisham Parish Council, and Mr S Highland / Mr A Campbell, applicant / agent, addressed the Committee on the application).

See Minute No 18/37 for Members' interests.

that the application be deferred to enable the applicant to

complete a traffic assessment.

- (c) Demolition of existing Cafe/Barbers/Fish and Chip shop with provision of 9 new customer parking spaces - Bluntisham Service Station, Station Road, Bluntisham - 17/01785/FUL**

See Minute No 18/37 for Members' interests.

that the application be deferred to enable the applicant to complete a traffic assessment.

At 9.00 pm the meeting was adjourned.

At 9.12 pm the meeting resumed.

- (d) Demolition of existing two storey retail/office building of 1970s construction, to be replaced by 2.5 storey residential block comprising 8No individual flats. - Properties at 1, 3 and 5 Bull Lane, St Ives - 18/00588/FUL**

(Councillor D Rowe, St Ives Town Council, and Mr D Mead, agent, addressed the Committee on the application).

that, contrary to the recommendation, the application be approved subject to conditions to be determined by the Head of Development to include materials, sound attenuation, mechanical ventilation, bin storage and construction in accordance with the approved plans.

- (e) New build private dwelling - Land Rear of 12 Alabama Way, St Ives - 17/02268/FUL**

(Councillor D Rowe, St Ives Town Council, addressed the Committee on the application).

that the application be approved subject to conditions to be approved by the Head of Development to include those listed in paragraph 8 of the report now submitted.

- (f) Proposed erection of two detached dwellings with garaging, paddock – Land at The Paddock, Raveley Road, Great Raveley - 18/00954/FUL**

(Councillor H Nel, Upwood and the Raveleys Parish Council, and Mr M Byatt, objector, addressed the Committee on the application).

that the application be approved subject to conditions to be approved by the Head of Development to include those listed in paragraph 8 of the report now submitted together with an additional condition requiring the reinstatement of a Hawthorn hedge as part of the boundary treatment.

- (g) **Application for approval of appearance, layout, landscaping, access and scale for the erection of two dwellings and hardstanding - Land at 9 Folly Close, Yaxley - 18/00859/REM**

See Minute No 18/37 for Members' interests.

that the application be approved subject to conditions to be approved by the Head of Development to include those listed in paragraph 8 of the report now submitted.

- (h) **New 2 bed dwelling - Hyde House, East Street, Colne - 17/02009/FUL**

(Mr J Tyres, agent, addressed the Committee on the application).

See Minute No 18/37 for Members' interests.

that the application be approved subject to conditions to be approved by the Head of Development to include those listed in paragraph 8 of the report now submitted.

- (i) **Change the use of the property from residential (C3) to a creche/childcare facility (D1) - 2 The Brow, Huntingdon - 18/00261/FUL**

(Ms L Peacock, on behalf of the applicant, addressed the Committee on the application).

that the application be approved subject to conditions to be approved by the Head of Development to include those listed in paragraph 8 of the report now submitted.

42. APPEAL DECISIONS

The Committee received and noted a report by the Planning Service Manager (Development Management), which contained details of two recent decisions by the Planning Inspectorate. A copy of the report is appended in the Minute Book.

RESOLVED

that the contents of the report be noted.

Chairman