
Planning Statement

Land at Teversham Road, Fulbourn

January 2017

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CONTENTS

- 1.0 Introduction
- 2.0 Site Suitability and Deliverability
- 3.0 The Application Proposals
- 4.0 Relevant Planning Policy
- 5.0 The Spatial Strategy and Five Year Housing Land Supply
- 6.0 Assessment of the Proposals
- 7.0 The Planning Balance and Conclusions

APPENDICES

- Appendix 1: Site Location Plan
- Appendix 2: Appeal Decision APP/W0530/W/3139730
- Appendix 3: Health Impact Assessment

1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared by the Barton Willmore Partnership on behalf of Castlefield International Limited, pursuant to an outline proposal for residential development at land off Teversham Road, Fulbourn.
- 1.2 The submitted application seeks outline planning permission for a high quality residential development of up to 110 homes, with areas of landscaping and public open space, access points and associated infrastructure works on land off Teversham Road, Fulbourn. It is proposed that all detailed matters (other than means of access) including layout, scale, appearance and landscaping will be determined as part of reserved matters applications. A more detailed analysis of the site and proposal is provided within the submitted Design and Access Statement. A site location plan is contained in **Appendix 1**.
- 1.3 This scheme follows a previous application S/2273/14/OL on the same site. That application was refused by the Council, and dismissed at appeal.
- 1.4 This Planning Statement provides the planning rationale for the proposals and outlines the primary objectives of the scheme and a description of the site and surroundings. It demonstrates the strategic planning merits of the proposals in the context of the emerging spatial strategy and the requirement for South Cambridgeshire to have a five year housing land supply. It highlights the benefits of the development and provides a detailed planning rationale for the proposals, having regard to local and national planning policy.
- 1.5 This Statement also assesses the appeal decision, and the comments from the Planning Inspector. Whilst the appeal was dismissed, the Inspector found no conflict with Policies DP/1, DP/2, DP/3 and NE/4 dealing with design and landscape matters. In addition he found no conflict with policies CH/5 (Conservation Area) and Policy NE/6 (Biodiversity). Significant weight must therefore be given to the comments of the Inspector.

2.0 SITE SUITABILITY AND DELIVERABILITY

Site Description

- 2.1 The Site lies on the north western edge of Fulbourn, a village located within the South Cambridgeshire district which lies approximately 8km south-east of the centre of Cambridge.
- 2.2 The village of Fulbourn is located on the Cambridge Road which runs between Cambridge and Balsham.
- 2.3 The application site comprises land to the east of Teversham Road, to the south of the railway line, and to the north of Cow Lane, Fulbourn. The site abuts the Fulbourn Conservation Area to the south and is adjacent to the former Fulbourn pumping station. The Green Belt lies to the north of the railway line. The site is accessible from the public highway and is located within walking distance of the nearby High Street, local shops and facilities. There are no public rights of way or permissive routes across the Site.
- 2.4 The Application Site encompasses 6.85 hectares of undeveloped land which is partitioned by a narrow Chalk Stream. A small part of the site fronting Cow Lane was formerly an ornamental garden but is now inaccessible and heavily overgrown. The site abuts a pond known as Poorwell Water, across which a low quality pedestrian access has been informally created.
- 2.5 The site is generally flat, and in terms of natural vegetation, the field boundaries comprise hedgerows and various mature trees, generally following the alignments of the linear drains. The fields themselves are open grassland, whilst the pumphouse garden retains some more ornamental planting although in general it has become neglected and heavily overgrown.
- 2.6 A small section of the site, the ornamental garden lies within the Fulbourn Conservation Area. The remainder of the Conservation Area lies predominately to the south and south east of the site. No other designated or non-designated heritage assets lie within the site.
- 2.7 The site is not covered by any statutory environmental designations but two Sites of Special Scientific Interest are located within 2km of the Site (Fulbourn Fen and Great Wilbraham Common) which are designated primarily for their botanical interest. The site lies within the low risk Flood Zone 1.

- 2.8 A review of the earliest available historical map, dated 1886, indicates that the site has remained undeveloped. The pond was first noted to be present in 1902 and was introduced to the site with the construction of the Fulbourn Pumping Station by the Cambridge Waterworks Company. Extensive residential development then occurred to the east and south of the site along with the construction of small industrial structures to the north west.

Wider Surroundings

- 2.9 The area immediately surrounding the site is generally characterised as edge of settlement. To the south, east, and west of the site the nature of the wider surroundings are predominately residential. Immediately to the north of the site is the railway line and further afield open countryside.
- 2.10 Wider afield the village is separated from the outer Cambridge City boundary by farmland. North of the village the land is flat, drained fen, and to the south and southwest of the village are the Gog Magog Hills. Outside the residential area the land is open farmland, with relatively few trees.
- 2.11 Fulbourn is well served by existing shops/services and facilities which also provide employment opportunities. The village benefits from a small cooperative supermarket, butchers, chemist, three public houses, a nursery, a health centre, and a library. The village has a well-appointed recreation ground adjacent to which is the newly refurbished Townley Memorial village hall, which now includes meeting rooms, a small indoor sports hall, a venue for sports and social clubs. Approximately 3kms from the site, there is a large 7,349m² 24 hour Tesco Superstore which is also accessible via public transport using the CITI number 1 bus.
- 2.12 Fulbourn has its own 1.3FE primary school located on School Lane which is less than 1km from the site and within walking distance. Secondary schooling for the village is at the Village College in Bottisham which has 7FE and is located 8km to the north of Fulbourn. In addition, there are a number of secondary schools in Cambridge which is located approximately 8km from Fulbourn.
- 2.13 The site has the potential to reduce vehicular movements as it is located within cycling distance approximately 8 km from the centre of Cambridge. In addition, the CITI number 1 and 3 buses run a service every 20 minutes daily, hourly evenings and weekends from Fulbourn to Cambridge City Centre taking approximately 30 minutes. Further services include Stagecoach service 16 & 17 linking Fulbourn to Haverhill and Newmarket. The

closest bus stop is located on Teversham Road near to The Bakers Arms public house directly adjacent to the site.

Suitability and Deliverability

- 2.14 The application site is suitable and deliverable for the scale of the development proposed. The site lies on the north western edge of Fulbourn and is enclosed by defensible boundaries on all sides i.e. the railway line to the north, Cow Lane to the south, Teversham Road to the west, and Cox's Drove to the east. This therefore represents a natural direction for sustainable growth in relation to the established pattern of development. The proposed development logically extends the pattern of Fulbourn northwards using the full area of land as efficiently as possible.
- 2.15 The application site comprises undeveloped, non-agricultural land, with good long-term defensible boundaries. Fulbourn and the site are within a predominantly flat landscape, ranging between 10m Above Ordnance Datum (AOD) to 20m AOD. Although the majority of the site comprises two fields that are open in character, the site is well enclosed and its boundaries defined by substantial tree belts. Due to the flat topography and the extensive vegetation structure within and surrounding the Site, views to the wider landscape are curtailed, as such, the landscape value will be retained.
- 2.16 The combination of the adjoining residential properties and industrial / employment units, the adjoining roads and the railway embankment which extends along the northern edge of the site contribute an urbanising influence to the site. As such, the integral relationship of the site to the existing settlement will allow for the proposed development to be a functional extension of Fulbourn and not a competing separate entity. The site is the natural direction for the expansion of Fulbourn, consistent with policy and the established pattern of the settlement.

3.0 THE APPLICATION PROPOSALS

- 3.1 The application proposals have not altered since the recent planning appeal. It seeks outline planning approval for a high quality residential development of up to 110 dwellings including points of access, with areas of landscaping and public open space, and associated infrastructure works.
- 3.2 The precise number and layout of dwellings has yet to be determined, but a maximum of 110 is proposed, and the Inspector has confirmed the site has adequate capacity for that number of dwellings whilst providing generous areas of green space.
- 3.3 The existing ornamental garden in the south western corner of the site will be retained and open to the public. It is considered that the open space, together with additional planting, will create an attractive environment and soften the built form of the development in this edge of settlement location.
- 3.4 The scale of the development is a reserved matter, but in order to ensure that the surrounding views are preserved, the height of the dwellings would be a maximum of 2.5 storeys high where appropriate. Care will be taken to ensure taller units are located away from the adjacent Conservation Area.
- 3.5 It is proposed that vehicular access to the site will be a ghost right junction from Teversham Road, which will facilitate all vehicular movements to and from the Site. There will also be an emergency access from Cox's Drove, which will also provide a pedestrian/cycle access point. The proposal also includes a pedestrian access from Cow Lane, and also a further access point from Poorwell Water, although the applicant does not control the land through Poorwell Water. As part of this application, a Transport Assessment has been undertaken by Cannon Consulting Engineers to support proposals for residential development. In addition, a Travel Plan also accompanies the application which provides a strategy for encouraging sustainable travel
- 3.6 The proposal would provide 30% affordable housing. A viability statement is provided to demonstrate the level of affordable housing and the abnormal site development costs. The affordable housing will be secured through a legal agreement.
- 3.7 A Tree Survey has been undertaken by Forbes-Laird Arboricultural Consultancy to inform the application proposals. It is proposed that the majority of the existing blocks of mature trees and planting across the site will be retained and enhanced.

3.8 The site lies within Flood Zone 1 and is therefore not considered to be at risk of tidal or fluvial flooding. The application is accompanied by a Flood Risk Assessment (FRA) prepared by Cannon Consulting Engineers which provides details of the drainage strategy for the site.

3.9 The Site is available, suitable, and deliverable within the first 5 years of the Local Plan period. The Site is within a sustainable location in Fulbourn and forms a logical extension to the existing urban form which will contribute to the housing target to meet the identified shortfall.

Planning History

3.10 As noted, a previous planning application (S/2273/14/OL) was refused at Planning Committee. The refusal was based upon three grounds, which are summarised below:

1. Collective adverse impact on landscape character, setting of Fulbourn Conservation Area, village character and ecological interests.
2. The site being proposed as a Local Green Space in the emerging local plan.
3. The lack of evidence demonstrating the scheme can be delivered within 5 years.

3.11 The decision was appealed and heard at a Public Inquiry in September. The appeal, reference APP/W0530/W/3139730, was dismissed dated 3 November 2016. However, the Inspector rejected the reasons for refusal highlighted above, and considered the development was acceptable on all of these grounds. The appeal was dismissed on grounds of the content of the legal agreement in terms of the open space provision. A copy of the appeal decision can be viewed within **Appendix 2**.

3.12 A formal Screening Opinion was issued by the Council on 1 August 2014 confirming that an Environmental Statement is not required, and it is considered the development would be "unlikely to have a significant effect on the environment".

3.13 A revised Screening request is to be submitted alongside the application, to seek further clarity against the revised Environmental Impact Assessment regulations.

4.0 RELEVANT PLANNING POLICY

4.1 This section sets out the relevant national and local planning policy applicable to the submitted development proposals.

National Policy Context

National Planning Policy Framework

4.2 The National Planning Policy Framework (NPPF) published in March 2012 sets out the Government's planning policies for England and how these are expected to be applied. With the exception of waste, the NPPF replaces the majority of the Planning Policy Statement's (PPS's) and Planning Policy Guidance notes (PPG's) and covers aspects such as economic growth, transport and biodiversity.

4.3 Paragraph 6 of the NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 states that there are three dimensions to sustainable development: economic, social and environmental, and that these dimensions give rise to the need for the planning system to perform a number of roles:

- **An economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **A social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;
- **An environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

4.4 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

4.5 This should be seen as a golden thread running through both plan-making and decision-taking. For **plan-making** this means that:

- **“local planning authorities should positively seek opportunities to meet the development needs of their area;**
- **Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:**
 - **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**
 - **specific policies in this Framework indicate development should be restricted.”**

4.6 For **decision-taking** this means (unless material considerations indicate otherwise):

- **“approving development proposals that accord with the development plan without delay; and**
- **where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:**
 - **any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**
 - **specific policies in this Framework indicate development should be restricted.”**

4.7 Section 6 of the NPPF sets out a commitment to delivering a wide choice of high quality homes which emphasises the importance of a plan-led approach and local planning authorities ensuring a five year housing land supply (plus an additional buffer of 5%) of deliverable sites. Where there has been a record of persistent under delivery of housing,

LPA's should increase the buffer to 20%. Paragraph 47 sets out the overarching objectives for the planning and delivery of housing:

“To boost significantly the supply of housing, local planning authorities should:

- **use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for the market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;**
- **identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;**
- **identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;**
- **for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet the housing target; and**

- **set out their own approach to housing density to reflect local circumstances.”**

4.8 Paragraph 49 reaffirms the primary objective of the NPPF; the presumption in favour of sustainable development:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

4.9 Paragraph 50 sets out the overarching objective of delivering a wide choice of high quality homes should be achieved:

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- **plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);**
- **identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and**
- **where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating**

mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”

- 4.10 Paragraph 76 encourages appropriate land to be designated as Local Green Space, where local communities will be able to rule out new development other than in very special circumstances. Identifying such land should be consistent with local planning of sustainable development, and complement investment in sufficient homes, jobs and other essential services.
- 4.11 Paragraph 77 provides the criteria as to when the Local Green Space designation will be appropriate. This includes where the land is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife.
- 4.12 Paragraph 118 notes that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. One of the identified principles is if significant harm resulting from a development cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused.
- 4.13 Section 12 relates to conserving and enhancing the historic environment. Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Paragraph 133 continues that where a proposed development will lead to substantial harm to or total loss of significance, consent should be refused.
- 4.14 Paragraph 204 provides the tests when planning obligations should be sought, and paragraph 206 provides the tests for the use of planning conditions.
- 4.15 Paragraph 215 notes that due weight should be given in relevant policies in existing plans according to their degree of consistency with the framework.
- 4.16 Paragraph 216 states that:

“From the day of publication, decision-takers may also give weight to relevant policies in the emerging plans according to:

- **the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);**
- **the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);**
and
- **the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."**

Planning Practice Guidance

4.17 The Planning Practice Guidance (PPG) was published by the Government in March 2014 and provides supplementary guidance to the NPPF. The 'Rural Housing' section of the PPG highlights the role of housing in supporting the broader sustainability of villages and smaller settlements. Paragraph 001 (Reference ID: 50-001-20140306) of the PPG recognises that:

"a 'thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship'."

4.18 The PPG concludes that 'rural housing is essential to ensure viable use of these local facilities'.

Local Policy Context

The Development Plan

4.19 Section 38 (6) of the Planning and Compulsory Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

4.20 The current Development Plan comprises the South Cambridgeshire Local Development Framework which encompasses the following documents:

- Core Strategy Development Plan Document (DPD) adopted January 2007;
- Development Control Policies DPD adopted July 2007; and
- Site Specific Policies DPD adopted January 2010.

4.21 The Core Strategy sets out the overall approach to development in the district. It reflects the strategy in the Cambridgeshire & Peterborough Structure Plan 2003 with the focus on locating new development in the most sustainable locations.

4.22 Given the age of the Core Strategy, many of the policies are now considered to be out of date in particular those relating to housing numbers and allocations as the planning period has expired and the emergence of new national planning guidance. Annex 1 of the NPPF advises how the national guidance should be implemented and what weight should be given to development plans depending on their age or stage of development. As the 12 month period from the date of publication of the NPPF has now expired, paragraph 215 is relevant:

“In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

4.23 Paragraph 216 then provides guidance as to how much weight to be given to the emerging local plan and its policies.

4.24 In light of the above, the 2007 Core Strategy policies which are consistent with NPPF will be considered, in addition to, the relevant policies contained in the emerging Submission Local Plan which are a material consideration in the determination of this application.

The Core Strategy DPD January 2007

4.25 Policy ST/2 'Housing Provision' states that the District Council will make provision for 20,000 new homes in South Cambridgeshire during the period 1999 to 2016 in locations in the following order of preference:

1. On the edge of Cambridge;
2. At the new town of Northstowe;
3. In the rural area in Rural Centres and other villages.

4.26 Policy ST/4 Rural Centres outlines Fulbourn as a Rural Centre and states that development and redevelopment without any limit on individual scheme size will be permitted within the village frameworks of Rural Centres, provided that adequate services, facilities and infrastructure are available or can be made available as a result of the development.

Development Control Policies DPD July 2007

4.27 Section 2 of Development Control Policies DPD sets out the 'Development Principles' that need to be taken into account in new development. Policy DP/1 'Sustainable Development' states that development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, as appropriate to its location, scale and form. The policy requires that for major developments, a Sustainability Statement and a Health Impact Assessment are to be submitted with the application. Policy DP/2 'Design of New Development' encourages high quality design in order to enhance the character of the local area and be compatible with its location. All the design elements of new development are to be set out in a Design and Access Statement and to be submitted alongside the application. In conjunction with Policies DP/1 and DP/2, Policy DP/3 'Development Criteria' provides a checklist to help ensure that all design principle requirements are met.

4.28 Policy DP/4 'Infrastructure and New Developments' requires that new development make suitable arrangements for the improvements or provision of infrastructure necessary to make the scheme acceptable in planning terms including affordable housing, education and public open space. Policy DP/5 'Cumulative Development' requires that sites make proper contribution to the infrastructure needs commensurate with the size of the development.

4.29 Policy DP/6 concerns construction methods and seeks that development that is likely to impact upon the local environment and amenity during construction will require the preparation of a Resource-Re-use and Recycling Scheme to cover all waste during construction.

4.30 Policy DP/7 'Development Frameworks' states that outside urban and village frameworks, development of unallocated land will be permitted provided that the site does not form an

essential part of the local character and development would be sensitive to the character of the location and landscape and there is necessary infrastructure to support the capacity.

- 4.31 Section 4 of the Development Control Policies DPD sets out the policies relating to 'Housing'. Policy HG/1 'Housing Density' encourages residential developments to make the best use of the site by achieving average net densities of at least 30 dwellings per hectare. Policy HG/2 'Housing Mix' stipulates that developments should contain a mix of housing to meet local needs and Policy HG/3 'Affordable Housing' states the amount of affordable housing sought will be at least 40% of the dwellings on sites of two or more dwellings.
- 4.32 Section 5 of the Development Control Policies DPD sets out the policies relating to 'Services and Facilities'. Policies SF/10 'Outdoor Playspace, informal open space and New Developments' and SF/11 'Open Space Standards' requires a contribution towards outdoor playing space as an integral part of the development, in a location well related to the proposed new dwellings.
- 4.33 Section 7 sets out the policies relating to the 'Natural Environment'. Policies NE/1 'Energy Efficiency' and NE/3 'Renewable Energy Technologies in New Development' aims to promote renewable energy within new developments and requires that all proposals over 10 dwellings incorporate technology to provide at least 10% of their energy requirements.
- 4.34 Policy NE/4 'Landscape Character Areas' states that development will only be permitted where it respects and retains or enhances the local character and distinctiveness of the individual Landscape Character Area in which is it located. Policy NE/6 'Biodiversity' requires new development to maintain, enhance, restore or add to biodiversity.
- 4.35 Policies NE/9, NE/11 and NE/12 relate to water and flooding and seek to ensure that there is adequate water supply, sewerage and land drainage systems in place to meet the needs of the development. Policy NE/11 ensures that flood risk is taken into account in all stages of the planning process, to avoid inappropriate development in areas at risk of flooding. Policy NE/12 requires that all development proposals greater than 10 dwellings will be required to submit a Water Conservation Strategy prior to commencement of development.
- 4.36 Policy NE/14 seeks to ensure that development proposals which include external lighting are kept to the minimum required for reasons of public safety and security and that there is no unacceptable adverse impact. Policy NE/15 relating to noise states that permission will not be granted for residential proposals near to an existing noise source or those that result in an increase in an unacceptable noise level.

- 4.37 Section 9 sets out the policies relating to 'Travel' and policies TR/1, TR/2 and TR/3 are considered relevant and aim to ensure that new developments do not give rise to a material increase in travel demands unless the site has sufficient accessibility and offer sustainable modes of transport. Policy TR/3 requires that for all major proposals, a Transport Assessment and Travel Plan is submitted alongside an application. Policy TR/2 requires that car parking is provided in accordance with the correct standards and seeks to promote sustainable modes of transport.

Emerging Policy Context

South Cambridgeshire Submission Local Plan (July 2013)

- 4.38 The emerging Submission Local Plan sets out the policies and land allocations that will guide the district for the period 2011 – 2031. The spatial strategy for the period states that in Policy S/5 in order to meet objectively assessed needs there is a housing need for 19,000 new homes which implies an average delivery rate of 950 dwellings per year.
- 4.39 The Development Strategy in Policy S/6 states that the need for homes will be met in the following order of preference:
- a. On the edge of Cambridge;
 - b. At new settlements;
 - c. In the rural area at Rural Centres and Minor Rural Centres.
- 4.40 The following 3 new strategic scale allocations are proposed for housing-led development to 2031 and beyond:
- a. A new town north of Waterbeach for 8,000 to 9,000 homes, 1,400 of which by 2031;
 - b. A new village based on Bourn Airfield for 3,500 homes, 1,700 of which by 2031;
 - c. A major expansion of Cambourne for a fourth linked village of 1,200 homes, all of which by 2031.
- 4.41 Development in the rural area will be limited, with allocations for jobs and housing focused on Rural Centres and Minor Rural Centres.
- 4.42 Policy S/9 'Minor Rural Centres' identifies the following villages as Minor Rural Centres and states that development up to a maximum size scheme of 30 dwellings will be permitted within the development frameworks of Minor Rural Centres:

- a. Bar Hill
- b. Bassingbourn
- c. Comberton
- d. Fulbourn
- e. Gamlingay
- f. Girton
- g. Linton
- h. Melbourn
- i. Milton
- j. Papworth Everard
- k. Swavesey
- l. Waterbeach
- m. Willingham

- 4.43 Policy S/12 outlines the phasing, delivery and monitoring of the Local Plan to ensure a continuous supply of housing throughout the plan period. The Policy outlines the New Village at Bourn Airfield to deliver housing within the plan period from 2022 and Cambourne West to come forward from 2016. The Policy also states that the Council will provide a 5% buffer as part of its 5-year housing land supply.
- 4.44 Chapter 4 focuses on Climate Change to ensure that development delivered in the district can better cope with the predicted impacts of climate change. In addition to policies applicable in the adopted Development Control Management DPD i.e. NE/1, NE/3, NE/9, NE/11 and NE/12 and the following policies are considered relevant to this application:
- 4.45 Policy CC/1 requires that applications for new development submit a Sustainability Statement to demonstrate how climate change principles have been embedded into the development proposal. Policy CC/4 requires that all new residential developments must achieve Code for Sustainable Homes Level 4 for water efficiency and Policy CC/5 states that on developments where a show home is being provided, a sustainable show home must be provided demonstrating environmentally sustainable alternatives. The Chapter also includes a separate policy regarding sustainable drainage systems, Policy CC/8 which states that developments must incorporate appropriate surface water drainage systems (SuDS) appropriate to the nature of the site.
- 4.46 Chapter 5 focuses on Delivering High Quality Places in order to secure high quality design and a good standard of amenity. Policy HQ/1 'Design Principles' is comparable with the design policies DP/1, DP/2, DP/3 of the Development Control Management DPD with the only difference that larger and more complex developments will be required to submit

Masterplans and Design Codes to agree an overall vision and strategy. Policy HQ/2 'Public Art and New Development' is comparable to Policy SF/6.

- 4.47 Chapter 6 encourages the protection and enhancement of the natural and historic environment and the majority of policies in the chapter are relevant to the policies contained in the Development Control Management DPD. Policy NH/6 'Green Infrastructure' is a new policy which aims to conserve and enhance green infrastructure within the district. The Council will encourage proposals which reinforce, link, buffer and create green infrastructure and promote, manage and interpret green infrastructure and enhance public enjoyment of it. All new developments will be required to contribute towards the enhancement of the green infrastructure network. Policy NH/11 'Protected Village Amenity Areas' have been identified on the Policies Map and include the Application Site as one of the proposed areas. The policy states that development will not be permitted within or adjacent to these areas if it would have an adverse impact on the character, amenity, tranquillity or function of the village.
- 4.48 Policy NH/12 'Local Green Spaces' states those Local Green Spaces identified will be protected from development that would adversely impact on the character and particular local significance placed on such green areas which make them valued by their local community, and only in exceptional circumstances and in discussion with the local community would development be permitted.
- 4.49 Chapter 7 considers the housing needs of the district and specifies standards for housing density, housing mix and affordable housing. The policies contained in this chapter are comparable to those in the Development Control Management DPD. Policy H/11 however, specifies residential space standards and encourages the provision of sufficient space within and associated with new homes. The policy details room size minimums and outlines minimum gross internal floor area in m² for all house types.
- 4.50 Chapter 9 of the Local Plan sets out the policies for promoting successful communities. Policy SC/2 requires that developments of 100 or more dwellings a full Health Impact Assessment will be required. Policy SC/4 'Meeting Community Needs' is comparable to Policy DC/4 of the Development Control Management DPD which seeks all housing developments to include or contribute to the provision of the services and facilities necessary to meet the needs of the development including primary schools and secondary schools, health facilities, libraries, sports facilities and commercial facilities. Services and facilities should be provided in accessible locations.

- 4.51 Policy SC/7 'Outdoor Play Space, Informal Open Space and new Developments' is comparable to Policy SF/10 of the Development Control Management DPD and seeks all housing developments to contribute towards the provision of outdoor play space. Larger schemes are expected to provide for more types of open space such as allotments, sports pitches and neighbourhood equipped area for play (NEAP). Policy SC/8 sets out the specific minimum standards for open space to ensure provision for the future needs of the district.
- 4.52 Policies SC/10 and SC/11 concern lighting proposals and noise pollution and are comparable with policies NE/14 and NE/15 of the Development Control Management DPD. They seek to prevent development that proposes insensitive lighting causing light pollution and proposals that will generate unacceptable levels of noise.
- 4.53 Policy SC/13 concerns air quality and seeks to prevent proposals that would lead to an unacceptable impact on air quality.
- 4.54 Chapter 10 of the Local Plan sets out the policies for promoting and delivering sustainable transport and infrastructure. Policy TI/2 encourages developments to reduce the need to travel, particularly by car and instead promote the use of sustainable transport options. The policy requires that new developments incorporate sufficient integration and accessibility by walking, cycling or public transport. Larger developments will be required to demonstrate maximised opportunities for sustainable transport and applications are to be accompanied by a Transport Assessment and Travel Plan together with a Low Emissions Strategy Statement. Policy TI/3 encourages car and cycle parking provision to be provided through a design-led approach. Specific standards are provided requiring 2 car parking spaces per dwelling and 1 cycle space per bedroom.
- 4.55 Policy TI/8 concerns infrastructure and new developments and requires proposals to have made suitable arrangements for the improvement and provision of infrastructure necessary to make the scheme acceptable in planning terms. Contributions will be secured via planning obligations and/or Community Infrastructure Levy.
- 4.56 The submitted application has been devised to address the above policy and Section 6 of this statement will demonstrate how the proposals are policy compliant with the existing adopted Local Development Framework and the emerging Local Plan.

5.0 THE SPATIAL STRATEGY AND FIVE YEAR HOUSING LAND SUPPLY

- 5.1 The end date of the Adopted Core Strategy (31 March 2016) has now passed and the emerging new Local Plan to replace it was formally submitted to the Secretary of State for independent examination on 28 March 2014. A key feature of the emerging Local Plan is the proposed reduction in the annual dwelling requirement from the former Core Strategy of 1,176 dwellings per annum (dpa) to only 975 dpa in the emerging Local Plan to 2031, based on a revised 2011 Strategic Housing Land Availability Assessment (SHLAA).
- 5.2 The relevant base date for this reduction in annual dwelling requirement is April 2011. However this OAN figure has not been independently corroborated by the Secretary of State and remains subject to substantive objection at the Examination in Public, which is currently ongoing. Notwithstanding the Council's use of a much reduced OAN requirement there has still been continuous and substantial shortfalls in housing delivery since 2011.
- 5.3 The planning case for land off Teversham Road is predicated on a number of key factors. Primarily, these include an insufficient number of dwellings to meet the District's overall housing requirements to 2031, the current and projected continued lack of a five year housing land supply and the village classification of Fulbourn. The evidence for the first two matters can be found in the most recently published Annual Monitoring Report (AMR) published in December 2016, which covers the period April 2015 to March 2016 and which includes the most up to date projections of likely future dwelling completions.

Overall Dwelling Provision to 2031

- 5.4 Annual dwelling completions evidence from the latest available AMR (2015/16) indicates that at no time, since 2011, has the annualised number of dwellings (975 dpa) ever been met and that the forecast number of dwellings for the current monitoring year (2016/17) will again be some 500 dwellings short of the annual requirement, at only 481 dwellings (see Table SC1a of the December 2016 AMR). Indeed, there is only one year (2006/7) in the past 17 years, since 1999, where the prevailing target was actually met. In each and every other year, a shortfall accrued and this is forecast to continue into 2017 by the AMR. This section is however concerned only with the accrued shortfalls since 2011, together with the further 2016/17 shortfall forecast by the December 2016 AMR.
- 5.5 On this basis, the imposition of a 20% buffer to the housing land supply requirement is unequivocal and has been endorsed in all recent Section 78 appeal decisions against the Council (notably Appeal refs: APP/W0530/A/13/2209166; and APP/W0530/A/13/2207961).

Lack of Five Year Housing Land Supply

- 5.6 Where a 20% buffer is applied, SCDC acknowledges that that it does not have a five year housing land supply and this is confirmed within the latest 2016 AMR (Table at page 62). Whilst there is an aspiration to combine the housing land supply trajectory with that of Cambridge City (under the Memorandum of Understanding) this has not been sanctioned by the Local Plan Inspector, despite requests by the Council for clarification to do so.
- 5.7 Consequently, Paragraph 4.30 of the AMR confirms that the use of five-year supply calculations for Greater Cambridge will not be relied upon in relation to planning decisions or planning appeals until such time as the Inspector examining the Local Plan has reported and has found the approach to be sound.
- 5.8 The current five year housing land supply for South Cambridgeshire is shown in the 2016 AMR as four potential variables, although as discussed above, the use of calculations based on only a 5% buffer can effectively be discounted. Therefore there are only two potentially valid scenarios; a 20% buffer and the 'Sedgefield' method of shortfall recovery or a 20% buffer and the 'Liverpool' method. In each case, the supply falls well short of five years.
- 5.9 In the case of the 'Liverpool' method the AMR indicates that there is 4.4 years of supply and this falls to only 3.7 years supply if the 'Sedgefield' method is applied. In this respect, it is now common practice for the Sedgefield method to be adopted by the Secretary of State, particularly where there is a relatively up-to-date SHLAA and the shortfalls have only accrued in the recent past. Indeed it is almost universally accepted that in conformity with the NPPF and the need to significantly boost the supply of new housing that the Liverpool method of recovery is now generally the exception rather than the rule.
- 5.10 Page 62 of the AMR sets out the 'Sedgefield Methodology' table and the component figures of the 3.7 year's supply calculation. In this respect, the key figures are that 3,401 dwellings were completed up to 31st March 2016 and that there was consequently a shortfall against the annualised requirement of 1,474 dwellings. This means that the annualised five year requirement, plus the shortfall and a 20% buffer equates to a net requirement of 7,619 dwellings, against which only 5,707 dwellings are predicted to be completed by the AMR.
- 5.11 The AMR indicates a five year supply figure of **3.7** years (actual 3.745). In absolute terms this means that at the time of writing South Cambridgeshire are at least **1,912** dwellings short of their five year housing land supply target. However of material significance is that the AMR also predicts a further shortfall of **500** dwellings in the current monitoring period, ending 31st March 2017, thereby exacerbating this lack of a five year supply even further.

The Village Classification of Fulbourn

- 5.12 The current adopted Core Strategy sets out the development strategy for South Cambridgeshire to 2016. The majority of the housing growth is planned at urban extensions to Cambridge and the new town of Northstowe. A relatively small amount of growth was allocated within the villages, focussing on Rural Centres which are considered the better served and most sustainable villages in the district. As documented in the evidence base, the Core Strategy placed emphasis on identifying the most sustainable villages with the best services and facilities as Rural Centres. Policy ST/4 identifies Fulbourn as a Rural Centre as a result of its services and facilities and its relative sustainability.
- 5.13 Fulbourn is one of the largest most sustainable villages in the South Cambridgeshire District. The village is situated approximately 8kms to the south-east of Cambridge and 3km from the village of Cherry Hinton. The village benefits from a comprehensive range of facilities which include a Co-Operative supermarket, butchers, green grocers, chemist, take away, hairdresser, beauty salon, café and three public houses. In addition, the village also has a number of education, community and sports facilities including a children's nursery, a primary school, library, church, large newly build village hall (Fulbourn Centre), health centre, community centre, tennis courts and an all weather sports area.
- 5.14 As noted in the Core Strategy's Inspector's Report (2006), "Fulbourn has excellent transport links with Cambridge" which is evident via its regular public transport services. Fulbourn offers good access to sustainable transport opportunities and there are a number of bus services which provide access to the key areas in Cambridgeshire including Cambridge Service Citi 1 and 3 providing the primary linkage between Fulbourn and Cambridge, operating a service every 20 minutes. Stagecoach Service 16 links the Fen Estate and Cambridge with Haverhill, and is readily accessible. Stagecoach Service 17 shares the same route as the number 16 but continues outward to Newmarket in place of Haverhill.
- 5.15 In the context of the new South Cambridgeshire Local Plan, the scale of development that is required and how it should be distributed across the district has been considered. In terms of the allocations within the rural area of the district, the settlement hierarchy has been reviewed which includes the village categories which have been assessed in terms of their sustainability and ability to accommodate new growth.
- 5.16 In reviewing the settlement hierarchy for the district, SCDC has utilised the former Core Strategy settlement classification methodology to identify Rural Centres which included a scoring system based on the following four tests:

- Public transport accessibility;
- Accessibility of secondary education;
- Village facilities;
- Local employment opportunities.

5.17 SCDC has applied the above tests to the village of Fulbourn and concluded that Fulbourn does not perform as well as some of the other villages.

“Fulbourn has no village college, and no direct public transport link to Bottisham Village College which it is served by. It has a lesser offering in terms of shops and services (note: at over 3km from the village centre the Tesco at Yarrow Road has not been included in the Fulbourn assessment). It does have a good public transport to Cambridge provided by the Citi 1 service. It does score particularly well in terms of access to employment, with a high ratio of jobs to people due to the business park and hospitals that fall within the ward.”

5.18 In view of the above, it is evident there are some discrepancies with the scoring criteria used by SCDC within the Village Classification Report which are discussed in further detail below:

Access to Secondary School

5.19 The assessment test specifically states that there is a requirement for good access by public transport or via a safe cycle route to a village college. Therefore, it is considered that in a rural district such as South Cambridgeshire, colleges that can be reached by public transport should be recognised within the assessment. In the case of Fulbourn, although not direct, safe public transport services to Bottisham Village College are readily available and reliable. In addition, a number of school buses operate between Fulbourn providing transport to the Village College, and pupils staying on for after school activities can now board the Cambridge Regional College bus back to Fulbourn. Therefore, in view of the above options, Fulbourn should be scored positively in the assessment criteria.

Village Services and Facilities

- 5.20 The assessment fails to take into account the level and range of the services with the size of the population. Fulbourn has a population of approximately 3,480 and has 23 shops and services. In comparison, Sawston has a population of 7,150, double that of Fulbourn and only has 42 shops and services. Therefore, Fulbourn when compared with Sawston is well served by a range of shops and services relative to its population.
- 5.21 It should also be noted that the assessment criteria fails to take into account the 24 hr Tesco 7,349 m² Superstore on the edge of the settlement which is well served by public transport to and from Fulbourn, and only 3km from the village centre. The Tesco is considered a valuable retail unit for Fulbourn which meets the needs of the residents and therefore should be taken into account within the assessment criteria and not be discounted.

Local Employment Opportunities

- 5.22 When reviewing the assessment criteria, it is apparent that the latest Census information has not been used and is therefore out of date. It is also clear that future employment opportunities have not been taken in account, for example, the Fulbourn Hospital site which is proposed for redevelopment will increase employment opportunities in the village and should be recognised by the assessment. Overall, it can still be said that out of all the villages in South Cambridgeshire, Fulbourn scores as one of the top three centres in respect of work population: employment ratio.
- 5.23 In view of the above, Table 5.1 below illustrates a revised assessment of Fulbourn village which has been compared with the SCDC Village Classification Assessment.

Table 5.1: Comparison of SCDC Village Classification Assessment

	Population (2010)	Public Transport to Cambridge or Market Town	Secondary Education	Village Services and Facilities	Employment	Total Score
1	3,480	3	1*	6**	2	12
2	3,480	3	0	3	2	8

Key

1 - Revised assessment undertaken for Fulbourn

2 - SCDC Assessment of Fulbourn (Village Classification Report 2012)

* Acknowledges that secondary education can be reached via public transportation

** Accounts for the Tesco store on Yarrow Road

- 5.24 Taking into account the methodology used by SCDC in their Village Classification Report, the above assessment makes a more appropriate appraisal of Fulbourn in respect of its sustainability. It is clear from the table that when making a comprehensive assessment of Fulbourn that it fulfils all the necessary criteria and performs well as a Rural Centre and therefore should not, as put forward in the Local Plan, be downgraded to a Minor Rural Centre.
- 5.25 In the Inspector's Report for the Core Strategy (2006), Fulbourn was seen as providing an important role in serving the villages to the east of Cambridge City. It was found that there are no other Rural Centres or Minor Rural Centres that serve this part of the district and the two Group Villages, Teversham and Great Wilbraham are not considered to be wholly sustainable. The Council's written evidence identified a role for Fulbourn in helping to serve the area east of Cambridge and it was decided that Fulbourn should be identified as a Rural Centre and not as a Minor Rural Centre. It is for this reason which, remains largely unchanged, why Fulbourn should not be downgraded to a Minor Rural Centre in the emerging Local Plan.

Summary

- 5.26 The preceding section of this Statement has demonstrated that:
- SCDC has an audited history of persistent undersupply and therefore under paragraph 47 of the NPPF, such a demonstrable history of under delivery requires the Council to provide a 20% buffer in addition to the objectively assessed 5 year housing land supply need. It is therefore considered that imposition of a 20% buffer is completely justified, as agreed by appeal Inspectors.
 - The Council cannot demonstrate a five year supply of deliverable housing sites of 5% in addition when not taking into account the accrued LDF shortfall.
 - When the LDF shortfall is factored in the results vary significantly depending upon whether the Sedgefield or Liverpool methods of recouping housing shortfall are employed. At the very most, the Council can only demonstrate a 4.4 year supply when using the Liverpool method and a 3.7 year supply when using the Sedgefield method.
 - There is no evidence to suggest that Fulbourn should not be a Rural Centre within the settlement hierarchy. It should be noted that nothing has changed in Fulbourn to warrant a reclassification of the settlement. Furthermore, it is evident from the re-assessment of Fulbourn using the methodology SCDC used in the Village Classification Report, that Fulbourn fulfils all the necessary criteria and performs well as a Rural Centre.

- 5.27 In the absence of a five year supply of deliverable housing sites, the housing policies contained in the Council's development plan cannot be considered up to date and the NPPF's presumption in favour of sustainable development must be applied. This means that planning permission should be granted for the proposed development unless any adverse impacts of doing so would 'significantly and demonstrably' outweigh the benefits of the scheme or specific policies in the NPPF indicate that development should be restricted.
- 5.28 The benefits and potential impacts of the scheme are discussed in more detail in the subsequent section, with reference to the evidence prepared to support the planning application, NPPF, and the current adopted development plan.

6.0 ASSESSMENT OF THE PROPOSALS

6.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In view of this, the assessment of the proposals section takes into consideration NPPF, the current adopted development plan policies for South Cambridgeshire i.e. the policies within the Development Control Policies DPD. In addition, as the emerging South Cambridgeshire Local Plan is currently under Examination, the relevant policies contained in the Submission Local Plan which are a material consideration in the determination of this application are also considered.

6.2 This assessment combines observations and the findings of various reports along with the views of the Planning Inspector when assessing the appeal for application S/2273/14/OL.

Principle of Development

6.3 The site is located adjacent but outside of the designated Fulbourn village framework, and the application is therefore technically a Departure from the extant development plan.

6.4 The Council are still unable to achieve a 5-year housing land supply, as described in chapter 5 above. The Annual Monitoring Report dated December 2016 confirms the only 3.7 years can be demonstrated using the appropriate Sedgfield method. This is lower than the agreed Common Ground of between 3.9 and 4.1 years during the planning inquiry, showing a negative current trend. In addition, the current AMR predicts a further shortfall of 500 dwellings in the current monitoring period.

6.5 As a result, paragraphs 14 and 49 of the NPPF remain relevant. Paragraph 49 confirms the relevant planning policies for the supply of housing cannot therefore be considered up-to-date, and paragraph 14 states that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.

6.6 Given these circumstances, the fourth bullet point of paragraph 14 described above is the key test. The Inspectors report for application S/2273/14/OL confirmed that both the economic role and environmental roles of sustainable development would be satisfied. The appeal was dismissed on the social role being unfulfilled. However, as described below, this application seeks to further address that matter, via the provisions of a revised legal agreement.

- 6.7 An acceptable Section 106 Agreement will ensure that the third strand of sustainable development will be met, and the application would therefore meet the full aims and objectives of the NPPF.

Design and Layout

- 6.8 This is an outline application with only access to be considered at outline stage, and therefore approval is not sought for the design and layout of the scheme. However, an Illustrative Masterplan has been prepared to demonstrate how residential development could be accommodated on the Site. A full detailed account of the design and evolution of the scheme is included in the submitted Design & Access Statement.
- 6.9 In view of the site's position adjacent to the existing built up area, important considerations in the preparation of the Masterplan have been the need to minimise impacts on the wider countryside, and the existing adjacent residential uses. In accordance with adopted DPD Policy DP/2 and HQ/1 of the emerging Local Plan, the proposals represent a high quality residential development which includes extensive areas of open space. It is proposed that approximately 3.55ha, over half of the site, is provided as open space incorporating a Meadow Park, children's play areas and the existing ornamental garden. It is considered that the open space, together with the existing and proposed trees and landscape features, will create an attractive environment and soften the built form of the development in this edge of settlement location.
- 6.10 The key concept principles illustrate the rationale behind the design of the site and comprise:
- The development has been structured around a network of generous publicly accessible, linked green spaces and existing mature planting;
 - Over 50% of the site is offered as open space and landscaping, and all of the high quality trees and 92% of the B Grade trees are retained as part of the proposals;
 - The proposed Meadow Park and green corridors provide recreational opportunities, biodiversity hotspots, and accommodate surface water run-off. There will be zero net impact on the existing watercourse;
 - The Pump House Garden would be opened to the public to benefit the new and existing residents of Fulbourn;
 - Development should be in keeping with the built character of the village;

- Main pedestrian/cycle access points are from Teversham Road and Cox's Drove, with another access from Cow Lane via the ornamental garden, and a link to Poorwell Water, which creates a green entrance to the development;
- Vehicular access is taken from Teversham Road; and
- An emergency and pedestrian/cycle access is proposed from Cox's Drove.

- 6.11 Policy DP/2 of the Development Control Policies DPD states that planning permission will be granted on appropriate sites for new residential development provided that proposals are satisfactory with regard to scale, mass, form, siting, design, proportion, and detailing. Given that the application is outline at this stage, the exact number of dwellings is not seeking approval and would be a reserved matter. However in accordance with local planning requirements, a figure of up to 110 dwellings has been quoted as a capacity estimate. The Net residential area measures 3.31ha, which gives an average net density of up to approximately 33dph to achieve up to 110 homes. The gross density for the site is approximately 16dph, which is significantly lower than the recent proposals for the Swifts (44dph) and Ida Darwin (19dph). The proposals therefore make the efficient use of land at a density which is considered appropriate in this more peripheral location on the edge of a rural village in accordance with the adopted development plan and the objectives of the NPPF.
- 6.12 The scale of the development is again a reserved matter but in order to ensure that the development is of an appropriate scale, the height of the dwellings would be a maximum of 2.5 storeys high, integrating high quality design and having regard to the site's wider context and specific characteristics. The proposals therefore accord with DPD Policy DP/2 and emerging Local Plan Policy HQ/1.
- 6.13 It is envisaged that the proposed housing development will comprise a mix of dwelling types and sizes across all tenures thereby satisfying Policy H1 which requires housing development to reflect the housing needs in the locality.
- 6.14 The submitted Illustrative Masterplan and Design & Access Statement demonstrate how the scheme has responded to the landscape and built character of the area. The sites opportunities and constraints have been fully analysed and translated into the creation of an attractive Meadow Park as a setting for a high quality sustainable neighbourhood. Additionally, a network of linked green spaces provides extensive recreational opportunities for both new and existing residents of Fulbourn.
- 6.15 The quality of the design is therefore in accordance with the adopted DPD policies and emerging Local Plan policies. It is also important to note the Inspector, in assessing the

appeal for application S/2273/14/OL, did not not any concerns regarding the proposed design or layout.

Affordable Housing

- 6.16 In order to a deliver a sustainable development, the development will provide a proportion of affordable housing as required by Core Strategy Policies HG/3, DP/3 and emerging Local Plan Policy H/9 to address local housing needs. The affordable housing provision could include a range of intermediate tenures, shared equity as well as social rented. The precise detail will be confirmed prior to drafting of the Section 106 Agreement.
- 6.17 The application is supported by a Viability Assessment conducted by Quod, who confirm the affordable housing will remain at 30%, as per the original application S/2273/14/OL. During the determination of that application, the Council relied upon advice from Carter Jonas, who agreed that 30% was appropriate, and this was Common Ground throughout the planning inquiry process.
- 6.18 The Cambridgeshire ACRE Housing Need Survey Results Report for Fulbourn undertaken in December 2015 concludes there are 79 households identified as being in need of affordable housing who either live in, or have a local connection to, Fulbourn. This figure is well in excess of what could be provided within a typical rural exception scheme.
- 6.19 A provision of 30% affordable housing would remain a valuable contribution towards identified need.

Accessibility

- 6.20 The application utilises the same plans for the main access from Teversham Road and emergency access from Cox's Drove that were submitted as additional plans during the consideration of S/2273/14/OL, and consequently considered by the Inspector at the appeal.
- 6.21 The proposal utilises a ghost right turn from Teversham Road, as considered acceptable by the local highways authority. The access provides a 5.5m width carriageway with two 2m footways to either side with 6m radii for the kerbs. An informal pedestrian crossing point will be provided south of the junction in the form of a dropped kerb and tactile paving. The emergency access utilises a planter to prevent standard vehicles accessing, whilst allowing the emergency services access as necessary.

- 6.22 The accompanying Transport Assessment by Cannon Consulting Engineers has been updated, and reviews the development in terms of accessibility, likely impact, and highways access arrangements. It concludes there has been no material change in the intervening period.
- 6.23 The application site continues to benefit from proximity of local facilities and amenities which are connected by footways that run adjacent to the roads within the area. The local footway network provides routes to local amenities such as the shops within the centre of the village, local bus stops, the school and other destinations within the village. There are local cycle routes that run pass the site providing links to and from the village centre and to outlying areas such as Capitol Park, Fulbourn Hospital and Cambridge city centre.
- 6.24 There are two existing bus routes that run adjacent to the site with bus stops that service these routes located on Teversham Road and Hinton Road adjacent to the Bakers Arms Public House. The route numbers Citi 1 and Citi 3 provide half hourly services to and from Cambridge City centre via Capital Park, the Ida Darwin, Tescos, Addenbrookes and the Rail Station among other destinations.
- 6.25 Cambridgeshire County Council have identified some potential works to the surrounding infrastructure they would wish to take place as a result of the proposed development. Of these, the applicant is willing to add a footpath across the frontage of The Bakers Arm, linking the existing bus stop to the footpath network. Further works, such as improved junctions will be considered. However, evidence is required from Cambridgeshire County Council to justify these works and the associated cost.
- 6.26 In accordance with adopted DPD Policies TR/1 and TR/2 and emerging Local Plan Policy TI/3, the proposed Site will provide parking in accordance with the guidance with provision for visitors. Where garages are included that have applicable dimensions to accommodate vehicles they will be considered as one parking space.
- 6.27 In accordance with DPD Policy TR/1 and the comparable Local Plan Policy TI/2, the proposed Site will be designed to provide the most direct cycle and pedestrian linkages to the local existing road and footway network. Accessibility to the site for pedestrians and cyclists is excellent with good connections to the local public footpath and footways that run adjacent to the site. The three access points will provide excellent connectivity to the local pedestrian and cycle network.

Open Space and Natural Environment

- 6.28 The submitted Masterplan illustrates how open spaces and landscaping can be generally incorporated into the scheme. A prominent feature of the Masterplan is the large provision of open space, approximately 3.55ha which equates to over half of the site. In line with Open Space SPD, the site will include a Locally Equipped Area of Play, as well as formal and more informal areas of open space.
- 6.29 The open space will be secured through a Section 106 Legal Agreement. The recent appeal (S/2273/14/OL) was dismissed by the Inspector on grounds of lack of indemnification and the long term future of the open space, the duties of successors in title of the open space, and the relevant trigger points for provision. The applicant is committed to ensuring the Section 106 will be acceptable by all parties, and will work with the Council to ensure agreement with these factors. The Section 106 Agreement will therefore be available in draft form prior to the application being heard at any Planning Committee.
- 6.30 Precise details of the extent, form and layout of open spaces and landscape is a reserved matter and would be subject to a subsequent planning application. However, in terms of the principle of development, the proposal is considered to be compliant with DPD Policies DP/4, SF/10 and SF/11 and emerging Local Plan Policies SC/7 and SC/8 as the proposed on-site provision exceeds the required contribution, in addition, there is sufficient space to accommodate informal and formal child's play space and landscaped areas on site.

New Policy Designation

- 6.31 The emerging Local Plan policy NH/12 seeks to designate the site as a Local Green Space (ref: NH/12-074), which would also include Poorwell Water. Any such designations should meet the criteria within the NPPF. The applicant considers the site does not meet these criteria, and has made representations to the Local Plan Inspector objecting to the proposed designation. The Examination in Public session on this matter is to be heard on 17/18 January 2017, and the applicant will raise substantive objections against this designation.
- 6.32 The Planning Practice Guidance (37-007-20140306) notes that "designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making". The site does not have any planning constraints, and its relationship with Cambridge ensure it is a sustainable location for development.

- 6.33 The appeal Inspector confirmed the opinion that Local Green Spaces designations “should not be applied to sites in sustainable locations, which are otherwise unconstrained and well suited for the development of new homes” (para 89). Designating the site as a Local Green Space therefore would not be consistent with the PPG and paragraph 76 of the NPPF, a view confirmed by the Inspector given its obvious development potential.
- 6.34 Notwithstanding this, paragraph 77 of the NPPF states that most green areas or open space will be appropriate for designation as a Local Green Space. NH/12-074 is in private ownership and there are no public rights of way across the site. Whilst it is used by some local dog walkers, they are in effect trespassing on the site.
- 6.35 Paragraph 77 provides a list of three criteria which must all be met for a site to be considered appropriate for a Local Green Space. The second states that a Local Green Space can only be designated where the area is demonstrably special to a local community and holds a particular local significance. The applicant made representations to the local plan confirming this was not the case, and the site is not “demonstrably special”.
- 6.36 In paragraph 86 of the S/2273/14/OL appeal decision, the Inspector notes “I consider it questionable whether the appeal site can reasonably be seen as fulfilling the requirements of the Framework or indeed the Council’s own draft policy for LGS designation”. He adds “I am not persuaded that the site possesses any particular beauty, historic significance, or richness of wildlife”. When commenting upon recreational value, the Inspector added “the fact remains that there are no formal rights of way across the appeal site, and as the appellant says, the submitted figures indicate that only a small proportion of the local catchment population appears to use the site on a regular basis”.
- 6.37 There has been no change of circumstance that would alter this view since the appeal decision was received.
- 6.38 Policy NH/12 can only carry limited weight at this time, as it has not been formally assessed at this stage and is subject to substantive, unresolved objections. As a result, the benefits of the proposal as described in this statement outweigh this designation.

Trees

- 6.39 A Tree Survey has been undertaken by Forbes-Laird Arboricultural Consultancy and is submitted with the application. Excluding U grade trees, there remains 423 trees on site. As depicted on the Illustrative Masterplan it is proposed that the total trees on site will be set to reduce to 254 after the development. All Grade A trees will be retained and 92% of

the Grade B trees. The majority of the tree loss will be from the low quality cohort (Grade C). It is proposed that these trees will be replaced as part of a comprehensive landscape strategy for the Proposed Development. The tree boundary along the railway will remain in place.

- 6.40 The site is subject to a statutory tree protection by the Tree Preservation Order (TPO) referable as The County of Cambridge Tree Preservation Order Number 8 of 1963, Fulbourn. This TPO protects trees on site within two Areas, and certain off-site trees covered by the tree survey. The blanket Area designation protects only those trees present on site when the Order was made, such that trees arising after 1962 are not protected by it. The trees within the Ornamental Garden which lies within the Fulbourn Conservation Area confer similar statutory protection to the TPO. It is proposed that the tree removal within the Ornamental will be limited and intended as amenity enhancement which will include group thinning and glade creation.
- 6.41 In view of the above, there are no arboricultural constraints that can be reasonably cited to preclude the development. The proposed illustrative design has taken into careful consideration the constraints of the existing trees and has sought to integrate them as an integral feature of the scheme. The submitted Tree Survey recognises that the development of the site offers the opportunity for improvements to come forward which will enhance the development and mitigate for the limited tree loss.

Landscape

- 6.42 The application is accompanied by an updated Landscape and Visual Impact Assessment (LVIA), which has evaluated the landscape and townscape character and the extent of the views from the surrounding area into the site. It has also assessed the potential effects of the Proposed Development upon the landscape resources and visual receptors and identified appropriate mitigation where required. The updated LVIA provides the information considered by the planning Inspector when determining the appeal for application S/2273/14/OL.
- 6.43 Within the Inspector's report he noted the railway line to the northern boundary "forms a natural northern boundary to the appeal site". With regards the impact on views from Poorwell Water, the Inspector states "I am not persuaded that glimpsed views of new dwellings on the appeal site would unacceptably harm the existing character of the area". On impact upon the adjacent Green Belt, the Inspector states "I do not agree with the Council that the proposal would adversely impact upon the openness of the Green Belt".

- 6.44 When assessing the above, as well as the views in and out of the site, along with an assessment of the areas character, the Inspector concludes there is no “conflict with LDF Policies DP/1, DP/2, DP/3 or NE/4”, and concludes “the appeal proposal would not have an adverse impact on the character or appearance of the surrounding area”.
- 6.45 A strong landscape-led approach to the Proposed Development has been adopted to ensure that it is integrated successfully into the landscape. In broad terms, the landscape strategy aims are to create an attractive setting for the Proposed Development, assimilating the built elements into the surrounding landscape / townscape to minimise effects on visual amenity and landscape character.
- 6.46 The LVIA concludes that the site represents a logical extension to Fulbourn, and would result in limited landscape and visual effects. The site would successfully accommodate residential development, assimilated into the existing settlement edge of Fulbourn within a robust landscape framework, sympathetic to the existing townscape and landscape character.

Archaeology

- 6.47 Archaeology work was carried out on the Site between 27 April and 7 May 2015, commissioned by CgMs Consulting. The evaluation was carried out in accordance with a Written Scheme of Investigation, and monitored by Kasia Gdaniec of Cambridgeshire County Council Historic Environment Team.
- 6.48 The works included a total of 30x 30-50m long evaluation trenches totalling 1381.2m in length. The works revealed clear evidence for post-medieval and modern agricultural activity, primarily in the form of drainage ditches. No further archaeology work is required as part of this planning application.

Flooding and Drainage

- 6.49 The site lies within Flood Zone 1 and is therefore not considered to be at risk of tidal or fluvial flooding. In accordance with DPD Policy NE/11 which seeks to ensure that flood risk is taken into account in all stages of the planning process, the application is accompanied by an updated Flood Risk Assessment (FRA) prepared by Cannon Consulting Engineers. The FRA identifies that the site is prone to surface water flooding and also likely to be exposed to elevated groundwater levels.

- 6.50 The FRA concludes that the proposed development is not considered to be at a significant or unmanageable risk of flooding from other sources of flooding. Surface water flood risk will be addressed by maintaining space for potential floodwater within the layout and setting the finished floor levels 300mm above ground levels.
- 6.51 In assessing the appeal of application S/2274/14/OL, the Inspector noted "the appeal proposals were considered acceptable by the EA and the Council's Drainage Officer", and "significant weight" was given to the independently reviewed flood risk information, with no evidence put forward to contest the conclusions. The Inspector also noted that the drainage strategy and habitat management and enhancements proposals can work satisfactorily together.

Water Conservation Strategy

- 6.52 In accordance with DPD Policy NE/12, the application is accompanied by a Water Conservation Strategy (WCS) prepared by Cannon Consulting Engineers. The statement provides an overview of how water consumption will be controlled within the proposed development to meet the requirements of the policy. The WCS concludes that the development is presented as sustainable in water efficiency terms based upon the proposals outlined in the Strategy.

Biodiversity

- 6.53 In accordance with DPD Policy NE/6 'Biodiversity' which requires new development to maintain, enhance, restore or add to biodiversity, and the emerging Local Plan Policy NH/4 which requires development proposals to conserve or enhance biodiversity, the ecological interest of the Site has been thoroughly assessed by Niras and the scheme has been designed to ensure that the potential of the Site to support protected or priority species is maintained and enhanced.
- 6.54 The biodiversity assessment again draws on information considered at the recent planning inquiry for application S/2274/14/OL. The site remains an undesignated area of agricultural land, and the Inspector notes "the site should be seen as simply of local ecological significance, rather than of borderline CWS (County Wildlife Site) quality". The Inspector also correctly notes the site could be cleared at any time so the ecological value is not secure, but the applicant is seeking to mitigate impacts allowing significant opportunities for biodiversity enhancement on the site.

- 6.55 The application will provide significant ecological benefits, including retention of trees, translocation of wild flowers, and creation of grassland habitats in perpetuity, as well as the clearing of the chalk stream and land around the ornamental garden.
- 6.56 The Inspector concluded "on balance I conclude that subject to the satisfactory implementation of an agreed Landscape and Biodiversity Management Plan, which could be secured by condition, the proposed development would not have an unacceptably harmful impact on areas of ecological or nature conservation interest. Nor do I consider the appeal proposal to be at odds with paragraphs 109 and 118 of the Framework".
- 6.57 There is no material difference between the information submitted as part of this application and that considered by the Inspector. As a result, the Inspector's conclusion remains relevant.

Sustainability

- 6.58 In accordance with DPD Policy DP/1 which concerns sustainable development principles, and emerging Local Plan Policy CC/1 which requires that applications for new development submit a Sustainability Statement to demonstrate how climate change principles have been embedded into the development proposal, an Environmental Sustainability Statement is submitted with the application. A detailed description of the schemes sustainability principles is provided within the Design & Access Statement.
- 6.59 In addition to the above, DPD Policy DP/1 also requires a Health Impact Assessment to be submitted alongside the application which is attached at **Appendix 3**.

Environmental Residential Amenity Impacts

Amenity Impact

- 6.60 Despite the application being in outline form, there is adequate space around the site to ensure appropriate relationships between the proposed dwellings and the existing, as well as between the new dwellings themselves. These relationships will be examined in greater detail at the reserved matters stage.

Noise

- 6.61 The application is accompanied by a Noise Assessment by Cass Allen Associates, which looks at the relationship of the site to the industrial buildings to the north. During the

determination period, the Council's Environmental Health Officer requested a 50m zone to be shown where development would be restricted if no agreed noise mitigation matters could be achieved.

- 6.62 The 50m zone still shows that development of 110 dwellings could be achieved on the site. However, it would only be implemented should mitigate at source or detailed design of the dwellings not be achievable.
- 6.63 Since the drafting of the Noise Assessment, one unit has a new occupier, that being a bicycle construction business. No new areas of concern have been noted as a result of this new occupier, and they were in place when the Inspector considered the appeal. As a result, the use of an appropriately worded planning condition remains satisfactory to ensure no noise disturbance would affect future occupiers of the dwellings.

Odour

- 6.64 Acoustic Air has undertaken an odour assessment at the site and the magnitude of existing odour exposure over the proposed development Site was assessed by means of the Environment Agency's 'sniff test'. 'Sniff tests' were undertaken a number of locations across the site and the odours detected recorded.
- 6.65 The results of the 'sniff test' odours were rarely detected other than at positions lying along the site boundary immediately adjacent to the rear of the commercial premises. The only odour detected had a weak paint-like smell, but this was generally only faint, i.e. barely detectable and one had to stand still and inhale facing into the wind, and was only local and transient, i.e. only present at the site boundary for brief periods under certain wind conditions.
- 6.66 In accordance with DPD Policy DP/3 which seeks to prevent adverse impact from odour, the report concludes that, the levels of odour likely to be experienced by new residents on the site is not considered to amount to a statutory nuisance and, given their low level of intensity, extent and frequency, would not adversely affect residential amenity.

Land Quality

- 6.67 The Phase 1 & Phase 2 Contamination Assessment supporting the planning application has investigated the history and environmental setting of the site to establish the risk of contamination and identify any issues relating to ground conditions which would need to be addressed during the construction of the scheme. It concludes that:

- No significant concentrations of contamination were encountered and the site can be considered low risk in terms of contamination;
- A review of the earliest available historical map, dated 1886, indicated that the site had remained undeveloped;
- The site is located within Ground Water Source Protection Zone 1;
- The site was found to have potential for groundwater flooding at the surface. Three groundwater monitoring wells were installed at the site. Groundwater was not encountered in the wells during the monitoring visits;
- Ground gas monitoring is still being undertaken and will be reported under the full report, it is considered that the site will be low risk in terms of ground gas based on results to date;
- No contamination was encountered that will pose a risk to human health as a part of the investigation.

6.68 All risk ratings are explained in full in the Assessment report. No further environmental works are considered necessary and as such the Site is considered suitable for its intended residential end use.

Infrastructure Provision

6.69 A Section 106 agreement is required to ensure financial contributions are required to meet the identified shortfall in education and healthcare provision, as well as the affordable housing provision and open space. The level of contributions were agreed prior to the planning inquiry, and it was agreed the contributions would meet the tests of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

6.70 Contributions will therefore be offered for the following infrastructure requirements, and the precise levels of contributions will be agreed with the Council during the determination period and included within the draft Section 106 Agreement, which will be prepared prior to any Planning Committee:

- Early Years Education
- Primary Education
- Secondary Education
- Libraries and Lifelong Learning
- NHS England
- Strategic Waste
- Household Waste Receptacles

- Section 106 Monitoring Fee

Achievability

- 6.71 A reason for refusal on the original application S/2274/14/OL queried the ability to deliver the 110 dwellings within 5 years. As a result, Carey New Homes were instructed to provide a report showing the likely timeframe for delivery, including submission of reserved matters, discharge of conditions, site preparation, and provision of necessary infrastructure.
- 6.72 Despite the site being described as “wet”, any additional engineering works above that considered normal would not significantly add to the time frame of delivery, which Careys confirm can be achieved within 5 years, whilst also allowing an additional time buffer should development be delayed. The Council subsequently agreed the development could be delivered within 5 years as Common Ground, and did not challenge this at the appeal inquiry.
- 6.73 The Planning Inspector, when commenting on the Careys report, notes “it seems to me that this would allow adequate time for the necessary earthworks and any additional surveys to be undertaken”.

Utilities

- 6.74 A Services Appraisal has been undertaken by Cannon Consulting Engineers to provide an overview of the servicing constraint and supply implications associated with the Proposed Development.
- 6.75 The report concludes that whilst there are no existing services within the boundary of the site for electricity, gas, water and telecommunications, all of the service providers have been contacted and provision can be easily made.

7.0 THE PLANNING BALANCE AND CONCLUSIONS

7.1 Paragraph 14 of the NPPF states that at the heart of the Framework is a presumption in favour of sustainable development. Local planning authorities should therefore positively seek opportunities to meet the objectively assessed development needs of their area with sufficient flexibility to adapt to rapid change. Where policies are judged to be out of date, permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

7.2 Accordingly, the key questions to consider in the overall planning balance for the submitted proposals at Fulbourn are:

- The suitability and sustainability of the site
- Whether there are significant constraints to delivery
- The level of assessed adverse impact relative to the SHLAA Assessment
- The level of planning policy compliance
- The need to deliver housing and the 5 year land supply
- The overall balance of benefit and harm

Suitability and Sustainability

7.3 The Application Site is relatively flat and has good capacity for the scale of development proposed, notwithstanding the mitigation measures required in terms of surface water management. Whilst the site is located in an edge of settlement location, it is cohesively well related to the village centre and has a good long term defensible northern boundary formed by the alignment of the Cambridge to Ipswich railway. As such, the Application Site is a natural location for sustainable growth relative to the established village pattern of settlement and the enclosed characteristics of the site will prevent any longer term potential for encroachment into the Green Belt. This view is shared by the recent Planning Inspector. It should be noted that development on the edge of the site has already taken over a number of years which exerts an urbanising influence on the site distinguishing it from the wider landscape.

7.4 The characteristics of the land and the proposed low density allows the village extension to be in the form of a more spacious, Arcadian development, arranged around green landscape spines and generous public open space. These open spaces are also proposed

to be linked in conjunction with a restored Victorian pond and an Ornamental Garden located within the south west area of the Site.

- 7.5 Accordingly, whilst the primary use of the site is proposed to residential, this is the catalyst to bring forward a very high ratio of public open space, which is a material consideration given the emerging policy designation N/11 in the Local Plan.

The Level of Constraints to Delivery

- 7.6 Whilst the site is acknowledged to have a higher than normal groundwater level, the site can be suitably developed, subject to an appropriate ratio of built development to open space and the installation of the water management measures proposed. This Statement identifies however, that there are no other significant identified constraints to delivery.
- 7.7 On the contrary, the proposals at Teversham Road are capable of much earlier delivery than many other identified strategic sites in South Cambridgeshire, by reason of their excellent integration and connectivity with the existing settlement and the high level of retail and other service provision that Fulbourn can provide to the new community from day one. The highly integral relationship of the Application Site to the existing settlement will also allow the Proposed Development to be a fully functional and sustainable new part of Fulbourn, which contributes socially and economically to its well future being.

Level of Adverse Impact Relative to the Original SHLAA Assessment

- 7.8 With regard to heritage considerations, the SHLAA identified a potential adverse impact upon the setting of the Fulbourn Conservation Area and the presence of a non-statutory archaeological site. This has been addressed by the application by setting back the built form of the development from the southern boundary of the site, combined with the retention of the most significant trees and a comprehensive landscaping strategy. The Heritage Statement submitted alongside the application concludes that if the above measures are incorporated into the scheme, then the residual impact of the Proposed Development will be negligible. This view was shared by the recent Planning Inspector. Archaeology works have already been successfully completed on the site.
- 7.9 With regard to environmental and wildlife designations, the SHLAA has identified the presence of protected species on the site. The application proposals have responded in that the illustrative layout has been fully informed by appropriate ecological guidance and a number of mitigation measures have also been proposed to retain and enhance the biodiversity of the site.

- 7.10 These include the retention of the majority of the ecological features identified and where necessary the provision of alternative enhanced habitats. The proposals also include an area of open grassland and the inclusion of an area of wetland to further assist biodiversity.

The Need to Deliver Housing and the 5 year Land Supply

- 7.11 The Council remain unable to demonstrate a five year housing land supply, a situation that has worsened since the recent planning inquiry. As noted above, the recent 2016 Annual Monitoring Report confirms a 3.7 year housing land supply using the Sedgfield method.
- 7.12 The implications are that there is very significant headroom in terms of the numbers of additional dwellings that SCDC are likely to require to allocate in order to provide a viable five year housing land supply. In this respect, the Site at Teversham Road can significantly assist by providing up to 110 dwellings during the next five years.

The Overall Planning Balance

- 7.13 Section 38 (6) of the Planning and Compulsory Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF makes clear that where policies are judged to be out of date, permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 7.14 The key issue in terms of weighing the primacy of the development plan against the requirements of the NPPF is the determination of whether policies are judged to be out of date. The tangible lack of a five year housing land supply in South Cambridgeshire suggests that there is an indication that the housing policies are out of date and the Council are obliged to grant permission for sustainable development which meets the test that any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits.
- 7.15 In judging the balance between providing for wider housing need and site specific harm, the development strikes a sustainable balance whereby it will facilitate the delivery of much needed housing whilst enhancing the amenity benefits of the Site through the provision of open space and enhanced public rights of way.
- 7.16 Whilst the current green character of the site will be changed and some land will be replaced by built development, the site will also facilitate the use of the undeveloped land

as an important amenity resource through the catalyst of a high quality residential development framed by a network of open spaces, green corridors and ecological areas. Overall, based on the low density and other design approaches taken, the wider benefits of the proposals are judged to outweigh the impacts of the development, which are not significant or demonstrably enough to warrant refusal.

- 7.17 With regard to the emerging designation of the land as a Protected Village Amenity Area (Policy N/11), this Policy is subject to objection and so has very limited weight at this time. From a practical standpoint it is also completely unenforceable given the privately owned status of the land. The Application Site is also not afforded any other landscape designation or other special protection in the Local Plan that could restrict appropriately designed and sustainable development in principle.
- 7.18 The Planning Inspector, commenting upon the recent planning appeal S/2273/14/OL on the site, confirms that the only matter preventing that application being sustainable development was the Section 106 Agreement. All other matters are considered acceptable subject to appropriately worded planning conditions. This application will seek to ensure an agreed Section 106 Agreement is produced, thereby overcoming the Inspector's only objection to the scheme proceeding.
- 7.19 The net outcome of the approval of this application, will be the contribution of up to 110 much needed high quality dwellings to the Council's five year housing land supply, with a strong prospect of early delivery, on a well connected, non Green Belt site. This development will also allow for the creation and dedication of over 3.5 hectares of new high quality managed open space, which is a more deliverable and sustainable long term solution for the Site than that currently sought by the Local Plan.
- 7.20 This Statement also assesses the appeal decision, and the comments from the Planning Inspector. Whilst the appeal was dismissed, the Inspector found no conflict with Policies DP/1, DP/2, DP/3 and NE/4 dealing with design and landscape matters. In addition he found no conflict with policies CH/5 (Conservation Area) and Policy NE/6 (Biodiversity). Significant weight must therefore be given to the comments of the Inspector. On this basis, it is considered that there is a presumption in favour of granting planning permission, without delay.
- 7.21 Accordingly the submitted application proposals with a revised S106 package warrant planning approval.

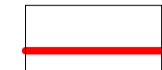

APPENDIX 1

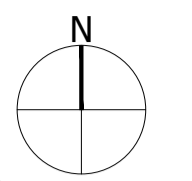
Site Location Plan

The scaling of this drawing cannot be assured

Revision	Date	Drn	Ckd
A	24.07.14	SK	CA
B	15.08.14	HS	CA
C	05.01.15	RA	CA

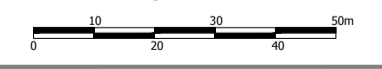
LEGEND

-  Application Site Boundary
-  Other land in applicant's ownership



Project
**Land at Teversham Road
 Fulbourn**
 Drawing Title
Site Boundary Plan

Date	Scale	Drawn by	Check by
06.06.14	1:1250@A1	AA	CA
Project No	Drawing No	Revision	
22430	M02	C	



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APPENDIX 2

Appeal Decision

APP/W0530/W/3139730

Appeal Decision

Inquiry opened on 12 September 2016

Site visit made on 21 September 2016

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 November 2016

Appeal Ref: APP/W0530/W/15/3139730

Land at Teversham Road, Fulbourn, Cambridgeshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Castlefield International Limited against the decision of South Cambridgeshire District Council (SCDC or “the Council”).
 - The application Ref S/2273/14/OL, dated 19 September 2014, was refused by notice dated 12 August 2015.
 - The application form describes the proposed development as an “outline application, including consideration of access points, for high quality residential development of up to 110 dwellings, with areas of landscaping and public open space and associated infrastructure works”.
 - The inquiry sat for 7 days on 13 to 16 and 20 to 22 September 2016.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was submitted in outline, with only access to be determined at this stage. An illustrative layout plan and a parameters plan were also submitted, and I have had regard to these in reaching my decision. I have also had regard to 2 planning obligations made by the appellant, which were submitted shortly after the inquiry had closed, in accordance with an agreed timescale.
3. The Council refused planning permission for 3 reasons as set out in Core Document (CD) E9. However, as explained in the Statement of Common Ground¹ (SOCG), in light of more recent information submitted by the appellant the Council accepted that up to 110 dwellings could be built and delivered on the appeal site within a 5 year time frame. As a consequence it agreed that its third reason for refusal could be withdrawn and did not defend it at the inquiry. However, the Rule 6(6) Party, Fulbourn Parish (FP) continued to contest this matter, which I therefore deal with later in this decision.

Site description, surrounding area and details of the appeal proposal

4. The appeal site lies to the east of Teversham Road; to the south of the Ipswich to Cambridge railway line; to the north of Cow Lane; and is bordered on its eastern side by the Cox’s Drove cul-de-sac. It comprises some 6.85 hectares (ha) of generally flat, open grassland, partitioned by a narrow chalk stream which flows

¹ Document (Doc) 8

northwards and divides the site into western and eastern fields. There are no public rights of way or permissive routes across the site, although the submitted evidence indicates that members of the public do visit the site on a regular basis.

5. The appeal site is not covered by any statutory environmental designations, but Green Belt land lies immediately to the north of the railway line, and the site abuts (and includes some land within) the Fulbourn Conservation Area to the south. The site also sits adjacent to the former Fulbourn water pumping station which is listed on the Cambridgeshire Historic Environment Record (HER) and is noted as a building of importance in the Fulbourn Conservation Area Appraisal² (CAA).
6. A small part of the appeal site fronting Cow Lane was formerly an ornamental garden associated with this pumping station. Although not currently accessible to the public, it has been allocated as a Protected Village Amenity Area (PVAA) within the Council's Local Development Framework (LDF) Core Strategy Development Plan Document³ (DPD) adopted in 2007. The appeal site also abuts a further PVAA, a publicly accessible area adjacent to Cow Lane known as Poorwell Water. This area is also listed on the Cambridgeshire HER and is owned and managed by Fulbourn Parish Council. Both the ornamental garden and Poorwell Water are located within the Fulbourn Conservation Area.
7. The appeal proposal seeks to develop the site for up to 110 dwellings, with 30% of these to be affordable units. This would result in a gross residential density of 16 dwellings per hectare (dph) over the site as a whole. However, the illustrative layout plan indicates that about 3.55 ha of the site would remain as open space, to include the chalk stream, floodwater management areas, a sustainable drainage system (SuDS), children's play areas, and the pumping station garden. Overall this would result in a net density of about 33 dph within the developed parts of the site. No built form would occur within the conservation area.
8. The sole vehicular access would be from Teversham Road, with an emergency access also proposed onto Cox's Drove. In addition, a pedestrian access is proposed from Cow Lane, through the pumping station garden, and a further pedestrian access is suggested to link with the informal path through Poorwell Water, although doubt was expressed at the inquiry whether this would be acceptable to the Parish Council. I return to this matter later in this decision.

Planning policy context

9. The Development Plan comprises the LDF Core Strategy DPD, and the LDF Development Control Policies DPD⁴. No specific planning policies from either of these documents are referenced in any of the reasons for refusal, although the Council did allege conflict with a number of LDF policies in its written and oral evidence. I deal with these under the appropriate main issues.
10. The Council is also preparing the South Cambridgeshire Local Plan⁵ (SCLP) to replace the 2007 LDF. This SCLP was submitted to the Secretary of State in March 2014, alongside the Cambridge City Local Plan, with joint examination of both plans commencing in November 2014. But the examination was subsequently suspended to enable additional work to be undertaken on such matters as objectively assessed need for housing. This work was completed and

² CDD3

³ CDB1

⁴ CDB2

⁵ Selected extracts at CDC1

the SOCG explains that examination hearings have now recommenced, with the programme currently scheduled to extend into 2017.

11. At the national level the National Planning Policy Framework⁶ ("the Framework"), published in 2012, and the Planning Practice Guidance (PPG) initially published in 2014, are material considerations in the determination of this appeal.

Environmental impact

12. The Council has screened the proposal in accordance with the Environmental Impact Assessment (EIA) Regulations and has come to the view that it is not EIA development as it would not be likely to have significant effects on the environment by virtue of such factors as its nature, size and location⁷.

Main issues

13. Having regard to the various matters raised in evidence and discussed at the inquiry I consider that the main issues can best be stated as:
- i. The effect of the proposed development on the character and appearance of the surrounding area;
 - ii. Its effect on the setting of Fulbourn Conservation Area ;
 - iii. Its effect on areas of ecological or nature conservation interest;
 - iv. The weight which should be given to policies for the supply of housing;
 - v. The weight which should be given to Policy NH/12 of the emerging SCLP and the proposed designation of the appeal site as a Local Green Space;
 - vi. Whether the submitted planning obligations would satisfactorily address the impact of the proposed development;
 - vii. Whether the appeal proposal should be seen as representing sustainable development, in the terms of the Framework.

Reasons

14. There was some discussion at the inquiry regarding the reference in the Council's first reason for refusal to the "collective adverse impact" on a number of matters. The appellant maintains that this has to mean that none of the items referred to would, individually, justify refusal of planning permission, whereas the Council's position is that each of the matters subsist as independent reasons for rejection of the appeal proposal, as well as collectively. For my part, I have simply assessed the appeal proposal on its own merits, under the main issues defined above, and have concluded, on the planning balance, as set out later in this decision.

Main Issue 1 – The effect of the proposed development on the character and appearance of the surrounding area

15. The appeal site lies adjacent to, but outside, the development framework of Fulbourn, as set out under LDF Policy DP/7, and also in the emerging SCLP under Policy S/7. The planning application was supported by a Landscape and Visual Appraisal⁸ (LVA) which, in summary, concludes that the appeal site could successfully accommodate residential development, assimilated into the existing settlement edge within a robust landscape framework. As such, it considers that the proposed development would be acceptable in landscape and visual terms, would be sympathetic to the existing townscape and landscape character, and would respond appropriately to relevant policy at national and local levels.

⁶ CDA1

⁷ CDE1

⁸ CDE13

16. This view was echoed by the appellant's landscape witness who maintained that aside from an inevitable change in the character of the appeal site itself, there would be no wider significant landscape or visual impacts, given the existing high level of containment of the site by built form or mature, substantial vegetation.
17. In contrast, the Council's landscape witness argued that the proposal would result in potentially significant adverse impacts on local views and on the character of the site, because of the large change that might occur to its vegetation cover and landform, the effect on the openness of the Green Belt, and views across and of the site. He also considered that the magnitude of the change of views would be high, and that the sensitivity of key receptors would be medium/high, meaning that overall the significance of effect would be major at the local level.
18. I have had regard to these conflicting views, and have also considered the photographic evidence from representative viewpoints submitted by all parties. I also made my own assessments on site, with the assistance of the illustrative material contained in the Design and Access Statement⁹ (DAS), the submitted parameters plan and the illustrative layout. For the reasons detailed below, I favour the appellant's assessment of the likely implications and impact of the proposed development. On a specific point, as the appeal site does not lie within the Green Belt I do not agree with the Council that the proposal would adversely impact upon the openness of the Green Belt.
19. The site lies within National Character Area (NCA) 87 – East Anglian Chalk¹⁰ – and within the Chalklands County Landscape Character Area¹¹ (LCA). At a more local level the vast majority of the site lies at the southernmost extremity of the Little Wilbraham Fen District Landscape Character Type (LCT), with just a small part sitting within the Fen Edge LCT. This Fen Edge LCT is split into smaller LCAs, with the Fulbourn Eastern Fen Edge LCA almost completely surrounding the appeal site on its western, southern and eastern sides. These landscape character assessments all acknowledge that settlements are characteristic components of the landscape within which Fulbourn and the appeal site are located, and they all provide guidance and design principles for successfully accommodating new development within the landscape.
20. The DAS and the illustrative layout plan indicate how these design principles could be accommodated within the proposed development by such things as retaining the majority of the existing vegetation structure within and surrounding the appeal site; ensuring the development is appropriate to the setting; improving green infrastructure; ensuring the development is integrated with sufficient space for garden and street tree planting; and creating new village greens and/or wildlife areas within the new development. Although the appeal proposal would comprise a cul-de-sac development, there are clearly other culs-de-sac in Fulbourn and I am not persuaded that the form of the proposed development would be unacceptably out of keeping with the rest of the village.
21. It is common ground that the appeal site is characteristic of Fen Edge landscape and that Fulbourn has a rural setting, with the appellant acknowledging this in its DAS, as well as in a report prepared in 2007¹² and submitted by the appeal site landowner in 2011 in response to a call for potential housing sites. However,

⁹ CDE9

¹⁰ CDA5

¹¹ CDA7

¹² Doc 15

there is a clear difference between the parties regarding the likely impact of development on the appeal site in landscape and village character terms.

22. At my site visit I saw that the appeal site is well contained by a combination of built form and vegetation on most of its boundaries, and that as a result the locations from which the site can be seen and appreciated are very limited. Because of this I find it difficult to share the Council's view that the appeal site contributes substantially to the rural character of the village. Indeed, no meaningful views of the site are possible from Breckenwood Road or the Breckenwood Road Industrial Estate, or from Teversham Road, where the frontage residential development in well-treed gardens seems to be a key characteristic component of this part of Fulbourn.
23. The same, well-treed character, interspersed with predominantly residential development can also be found along Cow Lane, from where I saw that only very limited glimpsed views of the open nature of the appeal site can be obtained, across Poorwell Water and between some of the more modern dwellings which lie just to the west of Cox's Drove. Even so, boundary vegetation within the gardens of these latter dwellings restricts views of the appeal site's grassland, with only the tops of distant trees and the upper parts of some buildings in Cox's Drove capable of being seen from Cow Lane.
24. I acknowledge that a little more may be seen of the appeal site from Cow Lane during winter months, when the tree foliage would be thinner, although I consider that these views could still only be described as glimpsed. Whilst such views do give the impression of an open, undeveloped area to the north of Cow Lane the extent of these views is very limited and, for the reasons set out above, I am not persuaded that the appeal site contributes anything particularly meaningful to the rural character of the village in views from these aforementioned roads.
25. The situation is somewhat different from parts of Cox's Drove, where there is a common boundary with the appeal site and from where the site's open nature can be clearly seen. Some views of the site would also be available to passengers on the train, passing close to the site's northern boundary, but these would only be fleeting. However, no views of the appeal site are possible from the southern end of Cox's Drove, where it passes between residential properties, and use of this road is likely to be limited as it only serves a handful of residential and commercial properties, all located on its eastern side.
26. Importantly, not all of Cox's Drove is adopted public highway, and even though it continues northwards as a pedestrian route to a railway crossing point, this path does not feature on the definitive map as a public right of way. Rather, it was described at the inquiry as a private bridleway for the use of occupiers of properties in Cox's Drove and landowners to the north of the railway. I saw at my site visit that this bridleway appears to be largely impassable a little distance north of the railway, and there is no firm evidence before me to suggest that Cox's Drove and this bridleway are well used.
27. With these points in mind I am not persuaded that there is great scope for the appeal site to be seen and appreciated from Cox's Drove, and this reinforces my view that the site only plays a limited role in defining the rural character of the village. In coming to this view I have also been mindful of the fact that a number of vehicles associated with the businesses in Cox's Drove were parked adjacent to the appeal site at the time of my site visit, and I also saw that some of the Cow Lane properties feature in views across the appeal site. Taken together, these

aspects of the site's immediate surroundings introduce urban elements into the proximity of the site, and serve to highlight its edge of settlement nature.

28. I share the Council's view that the railway line does not read as an intrusive feature in landscape or visual terms, but do not agree that it results in no landscape separation between the settlement and the open countryside to the north. I saw at my site visit that other than when a train is actually passing along the track, the railway line and its associated vegetation has the clear character and appearance of a typical field boundary, and that from the publicly accessible locations along Cox's Drove no clear impression can be gained of the wider, open landscape to the north. As such, I consider that the railway line forms a natural northern boundary to the appeal site.
29. Moreover, with appropriate planting, landscaping and a sensitive layout of the proposed built form, I see no good reason why the railway could not also form an acceptable northern boundary to Fulbourn at this location, as it does immediately to the north and west of the appeal site at Breckenwood Road and to the west of Teversham Road. This view appears to be borne out by the Council's Strategic Housing Land Availability Assessment¹³ (SHLAA) of August 2013 which concluded, in its "Townscape and landscape impact" section, that *"Development of this site would have a neutral effect on the landscape setting of Fulbourn because the site is so well screened from the residential and commercial buildings that surround it on 3 sides with the railway forming a barrier to the north"*.
30. I turn now to consider Poorwell Water and the pumping station garden which, as noted above, are both designated as PVAAs. As such, the appeal proposal needs to be assessed against LDF Policy CH/6 which indicates that development will not be permitted within or adjacent to PVAAs if it would have an adverse impact on the character, amenity, tranquillity or function of the village. The supporting text to Policy CH/6 explains that PVAAs are important to the amenity and character of villages and should be protected for their own sake.
31. The appeal proposal would not impact directly upon Poorwell Water, but the Council and others are concerned that it would substantially change the physical and visual relationship of the appeal site with Poorwell Water and result in substantial visual harm to receptors within, and looking northwards across, this important amenity area. The Council also maintains that attempting to address this by substantial reinforcement of boundary planting between the appeal site and Poorwell Water, as the appellant proposes, would simply compound this harm by enclosing the amenity area from its surroundings to the north.
32. The character of the area to the north would clearly change as a result of the appeal proposal, but insofar as views from within Poorwell Water are concerned it seems to me that with a layout and landscaping as indicated on the illustrative plans, only partial views of the upper parts of a few new dwellings on the site would be seen, set back some 14m-17m from the site's southern boundary, as suggested in the appellant's LVA. This would limit their visual impact, and I see no reason why new planting would need to be so dense as to completely enclose this area from its surroundings to the north, as feared by the Council.
33. The likely overall effect is described in the LVA as being moderate adverse, and that does not seem unreasonable to me as visitors to Poorwell Water at the present time would not be unaware of nearby existing residential properties on

¹³ CDD1

Cow Lane and in The Pines. Because of this, I am not persuaded that glimpsed views of new dwellings on the appeal site would unacceptably harm the existing character of the area.

34. Furthermore, the illustrative proposals offer the potential (subject to agreement with the Parish Council), for visitors to Poorwell Water to lawfully continue into the appeal site and make use of a number of walks and open spaces proposed as part of the development. Whilst some of the proposed open space would accommodate the SuDS features, and would be seasonally wet, boardwalks are proposed through these areas so that public access would still be available at all times. This would result in a different type of experience to that which the current, open fields provide, but I am mindful of the fact that no formal public rights of way currently exist within the appeal site.
35. I also note that anyone who currently walks along the south-eastern part of the appeal site, between Poorwell Water and Cox's Drove, would be well aware of the existing residential properties which front each of those roads, as I saw at my site visit. In view of these points I do not consider that the appeal proposal would result in conflict with LDF Policy CH/6 insofar as Poorwell Water is concerned.
36. There is currently no public access to the second PVAA referred to above, the pumping station garden, although that would change with the appeal proposal as a new pedestrian entrance would be created somewhere along the Cow Lane frontage. The appeal proposal also seeks to remove some low-grade trees and restore this garden area and its pond to some semblance of its former condition. This would provide an area of some 0.81 ha of accessible open space, with a pedestrian link through into other walkways and areas of public open space within the main parts of the appeal site. Again, I do not consider that this would result in conflict with LDF Policy CH/6.
37. I turn finally to consider whether or not the appeal site can be considered as a valued landscape in the context of paragraph 109 of the Framework. As already noted, the appeal site has no landscape designation. Of itself, this does not mean that land cannot have the status of a "valued landscape", but the absence of a designation is a good indication that past, objective, assessment of the landscape has not caused anyone to conclude that it has particular value which needs to be marked out and noted.
38. It is clear from the representations made at application and appeal stages, as well as in the representations seeking to have the site designated as a Local Green Space (see later), that local people do value this area of currently open land. However, a recent Court judgement¹⁴, indicates that in the absence of any formal landscape designations or other protection, a site needs to have some "*demonstrable physical attribute rather than just popularity*" for it to be considered as valued under Framework paragraph 109. On the basis of the evidence before me, including the matters set out above, I do not consider that the appeal site has any such qualities. Because of this, I do not regard it as a valued landscape, deserving of protection under paragraph 109.
39. Drawing all the above points together I conclude on this first main issue that the appeal proposal would result in a form of development which would not be out of keeping in this part of Fulbourn, and would therefore not have an unacceptable impact on either the character or the appearance of the surrounding area.

¹⁴ CDG5

40. Accordingly I find no conflict with LDF Policies DP/1, DP/2, DP/3 or NE/4, referred to in evidence by the Council. In summary, Policy DP/1 requires, amongst other things, that new development should be appropriate to its location, scale and form, and should conserve and wherever possible enhance local landscape character. Policy DP/2 seeks to ensure that new development preserves or enhances the character of the local area, whilst Policy DP/3 seeks to preclude development which would give rise to an adverse effect on things such as village character and countryside and landscape character. Finally, Policy NE/4 requires new development to respect and retain or enhance the local character and distinctiveness of the individual LCA in which it is located.

Main Issue 2 – The effect of the proposed development on the setting of Fulbourn Conservation Area

41. The Council's first reason for refusal contends that the appeal proposal would have an adverse impact on the setting of the Fulbourn Conservation Area, but provides no further information on the alleged extent of that harm. Its written evidence claims that there would be conflict with LDF Policy CH/5, which requires that applications for proposals that affect conservation areas are determined in accordance with legislative provisions and national policy, together with guidance contained in specific CAAs and the District Design Guide¹⁵. The relevant legislation is the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of such areas.
42. National policy is set out in the Framework, with paragraph 132 making it clear that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Framework explains that in this context, "significance" is the value of a heritage asset to this and future generations because of its heritage interest; and that that interest may be archaeological, architectural, artistic or historic. It further notes that significance derives not only from a heritage asset's physical presence, but also from its setting. At the local level, the Council adopted the Fulbourn CAA¹⁶ in 2008, and a Supplementary Planning Document (SPD) Development Affecting Conservation Areas¹⁷ in 2009.
43. In this case no harm is alleged to the conservation area itself, with the principal area of dispute between the parties being what impact, if any, the appeal proposal would have on the conservation area's setting, and hence on its significance. The setting of a heritage asset is defined in the Framework as *"the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
44. The Council first designated a conservation area at Fulbourn in 1975, covering the historic core of the village, and then extended it in 1992 to include the former Fulbourn Waterworks on Cow Lane, which abuts the appeal site to the south. This Waterworks area was not contiguous with the originally designated historic core of the village, but these 2 parts were joined together in January 2008 by the

¹⁵ CDD4

¹⁶ CDD3

¹⁷ CDD5

inclusion of Pierce Lane within the conservation area designation. The issue in this appeal relates predominantly to impact on the Waterworks area and its setting.

45. The Council points to the "Key Characteristics" section of the CAA¹⁸ which states, amongst other things, that the *"fields that surround the village and the greens that mark the meeting and division of roads are all an important part of Fulbourn's strong rural character, and should continue to be protected"*. It argues that the appeal site falls into the category of "fields surrounding the village" and, as such, should be protected, as stated. However, a fuller reading of this paragraph makes it clear that the protection is considered necessary *"so that Fulbourn continues to be a separate place, rather than being subsumed into that almost continuous belt of suburb that stretches south-eastwards from Cambridge via Cherry Hinton"*.
46. There is no suggestion that development on the appeal site would make Fulbourn less of a "separate place", and I have already concluded that development could take place on the appeal site, in keeping with the character of the village. I am therefore not persuaded that the appeal proposal would be unacceptably at odds with this defined key characteristic. In any case, the appellant has pointed out that nowhere does the CAA identify the appeal site as contributing to the significance of the conservation area, a point which the Council has not disputed.
47. Moreover, although I have noted the Council's contention that the Waterworks were located purposefully remote from the settlement and bordering the countryside to the north, there is no firm evidence before me to suggest that this location was chosen because of any anti-social aspects of the Waterworks operation, as opposed to it simply being the most appropriate location close to the source of well water. But regardless of the reason for its location, in functional terms there appears to be no historical link with the appeal site, save possibly for surface water discharge to the award drain which runs along the southern boundary of the site. I share the appellant's view that if any such connection still exists, it would not be affected by the appeal proposal, nor would it be of any materiality in understanding what is special about the pumping station building.
48. In any case, as the Framework explains, the setting of a heritage asset can change over time, as the asset and its surroundings evolve. That is clearly a relevant point here, as whilst the historic maps show that the Waterworks, Poor's Well, Poorwell Water and the nearby cart wash or horse pond on Cow Lane were all once separated from the main built-up part of Fulbourn, that is not now the case. Indeed, the submitted evidence indicates that Poor's Well used to be the main source of water for the village of Fulbourn¹⁹, such that there seems to me to be a greater functional link between the Waterworks area and the built-up area of the settlement to the south, that with the rural area to the north.
49. That said, there is a clear physical proximity between the appeal site and that part of the conservation area which includes the pumping station garden and Poorwell Water, where people can currently visit or where they would be able to visit under the appeal proposal. The fact that such visitors would be able to obtain glimpsed views of development on the appeal site has to mean, in my assessment, that the appeal site should be considered as serving as some part of the setting of the conservation area. I note that this was the view of the consultants (CgMs) who prepared the Heritage Statement²⁰ which accompanied the planning application in

¹⁸ Paragraph 8.1 of CDD3

¹⁹ See paragraph 9.3 in CDD3

²⁰ CDE11

2014, and was also the view of English Heritage²¹ (EH) in its consultation response on the original application²².

50. However, in the version of the scheme seen by EH, a play area was proposed for part of the pumping station garden, and this prompted it to comment that such a feature would fit awkwardly in this historic context. It also considered that 2½ storey dwellings, as indicated by the parameters plan, would not be appropriate on the edge of the village. But even with these points in mind, EH considered that the likely scale of any harm would be limited, and that it might be possible to mitigate at least part of that harm through control of the scale and layout of the development, and by relocating the Local Equipped Area of Play (LEAP) to elsewhere on the site.
51. To address these points, a suggested condition to control building heights has been put forward and agreed between the main parties, and in the currently submitted parameters plan and illustrative layout the LEAP has been moved to a location within the eastern field. Furthermore, CgMs commented in the Heritage Statement that any less than substantial harm could be mitigated, and possibly reduced to a negligible or neutral level, by the setting back of any built form from the boundary of the conservation area.
52. With these points in mind, I conclude that, at most, the appeal proposal would only have a very minor adverse impact on the setting of the conservation area and, in turn, would only have a very minor adverse effect on its significance. Using the wording of the Framework I place this impact at the bottom end of the "less than substantial harm" range. Accordingly, this harm needs to be weighed against the public benefits of this proposal, as detailed in paragraph 134 of the Framework, a matter I address later in this decision, when all the potential benefits have been identified.
53. However, before leaving this issue it is necessary to consider whether the appeal proposal would give rise to any heritage benefits which would also need to be assessed in the overall balance. In this case it seems to me that there would, indeed, be benefits arising from the proposed restoration and opening to the public of the former pumping station garden. I consider that this would allow for a better appreciation of this part of the conservation area and should therefore be seen as a modest enhancement.
54. On a final point, the Council has made reference to an appeal decision issued in June 2016, relating to an outline proposal for 50 dwellings on land to the north of Lanthorn Stile, Fulbourn²³. That site also abuts the conservation area, and the Inspector in that case commented that "*the historic pattern of development along the main roads adjoins the open countryside and the open land forms a key part of the character of the area. By providing an open setting to the Conservation (sic) it positively contributes to its value as a heritage asset*". The Inspector went on to comment that with the proposed development, "*urbanisation of the site would clearly alter the setting and erode the historic relationship of the village with the open countryside beyond*".
55. The Council argues that the same relationship and the same adverse effect would apply in the current case, but I do not agree. Firstly, I saw at my site visit that

²¹ Now Historic England

²² Within CDE5

²³ Reference: APP/W0530/W/16/3144909

the Lanthorn Stile site has a much more open feel to it than the current appeal site, with noticeably less boundary planting and no clearly defined northern boundary. In addition, as roads such as The Chantry and Lanthorn Stile lie very close to the conservation area boundary, it seems to me that development on the Lanthorn Stile site would be much more clearly visible from within the conservation area than would be the case with the current appeal site.

56. In any case, the Inspector concluded that the impact would be less than substantial, which is within the same range that I consider applies in the current case. The facts are clearly different between this earlier case and the matter before me, and I see nothing in this Lanthorn Stile decision to cause me to give any different weighting to the low level of harm I have identified.

Main Issue 3 – The effect of the proposed development on areas of ecological or nature conservation interest

57. The Council's written evidence alleges that the proposal would be at odds with LDF Policy NE/6: Biodiversity. Amongst other matters, this states that the Council will refuse development that would have an adverse significant impact on the population or conservation status of protected species or priority species or habitat, unless the impact can be adequately mitigated or compensated for by measures secured by planning conditions or obligations. The Council also alleges conflict with the Framework, particularly paragraphs 109 and 118.
58. The appeal site is not subject to any conservation designation, and the parties agree that the site's grassland habitat represents the most important element of its ecological interest. There was, however, a significant difference of opinion regarding the extent and frequency of occurrence of the various grassland species; the consequent implications for the status or value of the site; and the overall success or otherwise of any proposed mitigation measures.
59. The Council maintains that the appeal site is of borderline County Wildlife Site (CWS) status, citing the findings of a Targeted Botanical Survey undertaken by the Wildlife Trust²⁴ (WT) in June 2016²⁵, along with earlier studies by MKA Ecology Limited (MKA) in 2012 and 2014²⁶. The 2016 survey found that as a whole, the appeal site contained 46 grassland species which is just short of the 50 species required for selection as a CWS, but that the western field contained at least locally frequent numbers of 3 or more strong neutral grassland indicator species and would therefore meet the CWS selection criteria for grasslands²⁷.
60. However, some of the reported findings do not appear to be fully verified, whilst others do not seem to be borne out by the illustrative material contained in these same reports. In particular, and notwithstanding the Council's comment to the contrary²⁸, the MKA Phase 1 Habitat Survey does not record the frequency of occurrence of the grassland indicator species, but highlights the fact that they were not widespread across the site. Because of this, it is difficult to verify whether these indicator species occur "frequently", which is the requirement for

²⁴ The Wildlife Trust for Bedfordshire, Northamptonshire and Cambridgeshire

²⁵ Appendix 2 to Mr Mungovan's evidence

²⁶ See CDE12 and Doc 22

²⁷ See Appendix 3 to Mr Mungovan's evidence

²⁸ Paragraph 53 of Doc 30

CWS selection²⁹, and which the Council's ecology witness explained means with an occurrence of 40%-60%, in accordance with the DAFOR³⁰ scale.

61. Moreover, even though the 2016 WT survey refers to the western field containing at least locally frequent numbers of adder's-tongue, yellow rattle and glaucous sedge, this does not appear to be reflected in the plans which accompany this survey. Rather, these only show adders tongue as occurring anything like frequently, with glaucous sedge not shown at all within the western field. This seems to broadly be confirmed by 2 more recent surveys undertaken by the appellant in 2016³¹, and also by a further assessment of the 2012 and 2014 MKA surveys³². On this basis, it seems to me that the site should be seen as simply of local ecological significance, rather than of borderline CSW quality.
62. The Council has cited guidance issued by the Chartered Institute of Ecology and Environmental Management³³ (CIEEM), to support its view that rather than just considering the site's current condition, regard should also be had to the potential for improving the site's habitat. However, the appellant points out that the site could be cleared at any time, such that its current ecological value is not secure, and that there is no realistic prospect of the appellant allowing its ecological value to do anything other than decline, if the development does not proceed³⁴.
63. That said, it is the appellant's case that if planning permission was to be granted, all impacts of the proposed development could effectively be mitigated and there would be significant opportunities for biodiversity enhancement on the site. These mitigation and enhancement measures could be delivered through a Landscape and Biodiversity Management Plan, which could be secured by condition. This position is supported by the MKA Phase 1 Habitat Survey which, despite taking the view that the semi-improved neutral grassland is potentially of CWS quality, still concludes that development could acceptably take place on the site.
64. Indeed, one of its specific recommendations is that where possible, areas of this grassland habitat type should be retained and enhanced within the development. It also recommends that consideration should be given to the translocation of target species such as early marsh orchid and adder's tongue into the proposed retained areas, and that a management plan should be developed to ensure that the retained areas of grassland are enhanced and conserved in the long-term.
65. I have noted the Council's concerns about the difficulties of successful translocation of grassland species, and its reference to the Joint Nature Conservation Committee's document A Habitats Translocation Policy for Britain³⁵, which makes it clear that translocation of habitats is not an acceptable alternative to in situ conservation. Similar views are expressed in Habitat translocation: a best practice guide³⁶. However, I share the appellant's view that much of the concern and disquiet regarding translocation in both of these guides appears to be directed towards habitats of high conservation interest and, as such, carry less weight in the context of this site of purely local interest.

²⁹ See Appendix 3 to Mr Mungovan's evidence

³⁰ DAFOR scale: a common means of describing ecological frequency - Dominant (80%+); Abundant (60%-80%); Frequent (40%-60%); Occasional (20%-40%) and Rare (1%-20%)

³¹ See Appendix A to Mr Ellis's evidence

³² Doc 22 - Assessment of Species of Botanical Interest, MKA Ecology Limited, 2 April 2015

³³ Paragraph 4.17 of CDH4 - "Guidelines for Ecological Impact Assessment in the UK and Ireland"

³⁴ Paragraph 4.25 in Mr Kosky's evidence

³⁵ CDH5

³⁶ CDH3

66. This guidance indicates that knowledge of the soil and hydrological conditions is critical if translocation is being considered³⁷, and I understand that no such assessments have been carried out from an ecological perspective. That said, the appellants comments that the only species of local interest which would require translocation is adder's tongue, which is widely distributed across the site suggesting that if there are groundwater variations, it is insensitive to them. All other relevant species are stated to be relatively undemanding in terms of soil condition, with there being sufficient flexibility within the scheme to ensure that they would be provided with the conditions they most need. No firm, contrary evidence has been placed before me to dispute these points.
67. Turning to hydrological matters, it is clear that certain aspects of the proposed development layout have been driven by the need to take account of and accommodate surface water flooding of parts of the site, which is identified as lying within Flood Zone 1 on mapping provided by the Environment Agency (EA). Zoned as such, the site has been identified as being potentially liable to flooding as a result of surface water run-off shed from areas of Fulbourn which lie uphill of the site³⁸, and as a result of the site having a high groundwater level. This seems to be supported by representations made by interested persons and the evidence from FP, which speak of standing water on the appeal site at various times.
68. The surface water flood map shows that water flows onto the site over the eastern and southern boundaries, with the on-site chalk stream providing an onward route for this floodwater to leave the site. In order to allow floodwater to continue to pass through the site it is proposed to manage the risk of surface water flooding through the creation of raised development platforms some 300mm-600mm high³⁹. The appellants explains that these proposals have taken account of the site's high water table and would allow for the passage of water without affecting the development parcels, without leading to flooding elsewhere, and with no areas designed to be permanently wet.
69. Although interested persons raised objections to the Flood Risk Assessment, the appeal proposals were considered acceptable by the EA and the Council's Drainage Officer⁴⁰. Moreover, the proposals have subsequently been independently reviewed and assessed by HR Wallingford, who have concluded that the proposed development would be unaffected by surface water flooding, and that the drainage proposals would actually result in a slight reduction in peak flows downstream of the site⁴¹. No firm contrary evidence has been put forward to contest these conclusions, and I therefore give them significant weight.
70. The fact that the need to accommodate surface water floodwater and provide public amenity space has taken precedence over habitat development, does not automatically mean that acceptable habitat and ecological mitigation and enhancement measures could not also be achieved. That would be a matter to be explored at any future detailed design stage. But I see no good reason why a satisfactory layout, to accommodate drainage requirements and habitat management and enhancement proposals, could not be prepared along the lines of that included in the appellants' ecology witness's evidence⁴².

³⁷ See page 15 of CDH3

³⁸ This surface water run-off from outside the site is also referred to as run-on

³⁹ See section 5 of Mr Totman's evidence

⁴⁰ See section 6 of Mr Totman's evidence

⁴¹ Appendix E to Mr Totman's evidence

⁴² See Appendix B to Mr Ellis's evidence

71. This illustrative Habitat Management and Drainage Plan shows that the principal concentration of the early marsh orchid and the only common twayblade plants would remain in situ, with adder's tongue also present in the areas to be retained. Such a scheme would therefore result in the retention in situ of 3 of the key grassland indicator species.
72. Insofar as there would be the likelihood of disturbance to any of the retained or translocated grassland habitat arising from any future residential development, I note that MKA provide an explicit recommendation to address such matters in its report of April 2015⁴³. This sets out suggested measures to minimise the long-term impacts of human disturbance if the development was to proceed, and whilst such measures could not eliminate all harm, no firm evidence has been submitted to demonstrate why, with good design and high quality management, the appeal proposal could not deliver meaningful ecological mitigation and enhancement.
73. Indeed, the appellant has stressed that a number of ecological benefits, would flow from a grant of planning permission. In particular, the chalk stream would be cleared of shading, managed and maintained to the benefit of ecology. As this feature is a UK Biodiversity Action Plan Priority Habitat, I consider that this proposed enhancement should be accorded significant weight. Although concern was expressed that this work could disrupt a foraging corridor used by pipistrelle bats, the appellant's comment that these bats are the least sensitive to light pollution was not disputed by the Council or others.
74. The proposed landscaping scheme is intended to provide additional boundary planting and allow for the management of existing planting, and would be accompanied by the provision of bat and bird boxes and a more diverse flora on the site itself⁴⁴. This could enhance the species mix and provide opportunities for protected species and species which do not presently use the site for roosting or breeding. Although FP is particularly concerned about the potential loss of habitat for breeding corn bunting, the appellant disputes the current presence of a breeding population, as no birds of this species were recorded on the site during 3 visits in 2016. But as MKA has put forward a recommendation showing how an appropriate breeding habitat could be incorporated into the site layout, I am not persuaded that this matter should weigh significantly against the appeal proposal.
75. The nature of the site would clearly change with the proposed development, but there would still be significant open areas and areas of existing and strengthened vegetation and, like the appellant, I consider that this would result in notable benefits for bats and the breeding bird population. No firm evidence has been submitted to support the views of FP and other interested persons, that the value of the site to birds would be harmed by the appeal proposal.
76. Furthermore, it seems to me that the existing reptile and grass snake population could be readily accommodated within the scheme, with a variety of areas of open space on the site being suitable for them. In particular, the pond in the pumping station garden would be suitable habitat for the grass snake population and large areas of the site would be suitable for the small population of lizards. I see no good reason why all such matters could not be delivered by the proposed Landscape and Biodiversity Management Plan, and consider that this would offer real potential for enhancement of the site's ecological value.

⁴³ Doc 22

⁴⁴ See, for example, paragraphs 59 & 60 of Mr Ellis's evidence

77. Drawing all the above points together, on balance I conclude that subject to the satisfactory implementation of an agreed Landscape and Biodiversity Management Plan, which could be secured by condition, the proposed development would not have an unacceptably harmful impact on areas of ecological or nature conservation interest. Accordingly I find no conflict with adopted LDF Policy NE/6, referred to earlier. Nor do I consider the appeal proposal to be at odds with paragraphs 109 and 118 of the Framework which, in summary, require the planning system to conserve and enhance biodiversity, minimising impacts and providing net gains where possible.

Main Issue 4 –The weight to be given to policies for the supply of housing

78. Paragraph 14 of the Framework explains that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It goes on to indicate that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole; or unless specific policies in the Framework indicate that development should be restricted.

79. Of particular relevance is Framework paragraph 49 which indicates that relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a 5 year supply of deliverable housing sites. In this case, the SOCG records that using a 20% buffer, the Council only has a 3.9 year land supply for the period 2015-2020. When calculated between 2016-2021 this increases to 4.1 years, but still falls well below the required 5 years.

80. Fulbourn is currently identified as a Rural Centre within the LDF Core Strategy, under Policy ST/4. This policy indicates that development and redevelopment without any limit on individual scheme size will be permitted within the village frameworks of Rural Centres, provided that adequate services, facilities and infrastructure are available or can be made available as a result of the development. Insofar as these latter matters are concerned, the SOCG confirms that Fulbourn is well served by existing shops and services, which also provide employment opportunities. The SOCG also states that the appeal site is well located for access by sustainable modes of travel. I explore other infrastructure requirements, made necessary by the appeal proposal, under a later main issue.

81. Fulbourn is proposed to be designated as a Minor Rural Centre in the emerging SCLP, with development limited to an indicative maximum of 30 dwellings within the development frameworks of such settlements. However, as the SCLP is just at examination stage, I consider that only limited weight can be given to this policy at this time. This view is supported by the evidence of both the Council's and appellant's planning witnesses⁴⁵. Moreover, as the Council cannot demonstrate a 5 year supply of housing land, restricting development in the way suggested by this policy would not accord with the Framework's requirement that local planning authorities should boost significantly the supply of housing.

82. In this case the appeal site lies outside the current development framework for Fulbourn, set by LDF Policy DP/7, and insofar as both this policy and emerging SCLP Policy ST/4 seek to restrict development to within the currently defined settlement boundary, it is clear that they cannot be considered up-to-date in

⁴⁵ See paragraph 8.47 of Mrs Ballantyne-Way's evidence and paragraph 2.21 of Mr Kosky's evidence

accordance with paragraph 49 of the Framework. I return to consider the implications of this, when I assess the planning balance later in this decision.

Main Issue 5 – The weight to be given to emerging SCLP Policy NH/12, and the proposed designation of the appeal site as a Local Green Space

83. The Framework introduced the option for local communities to identify green areas which are of particular importance to them and to protect such areas from development by designating them as Local Green Space (LGS), through local and neighbourhood plans. Once designated, development would only be permitted on such areas in very special circumstances.
84. The emerging SCLP includes Policy NH/12, under which such LGS would be defined, and as part of the SCLP's development the appeal site has been identified as a potential LGS and has received some appreciable support, together with 1 objection, from the appellant⁴⁶. The Council cites this policy in its second reason for refusal, which maintains that in view of the site's close proximity to the community of Fulbourn, and demonstrable special significance arising from its beauty, recreational value, tranquillity and richness of wildlife, notable weight can be afforded to this proposed designation. The reason for refusal also states that no very special circumstances have been demonstrated to outweigh this harm.
85. However, paragraph 216 of the Framework makes it clear that the weight which can be given to relevant policies in emerging plans is dependent on a number of factors, such as the stage of preparation of the emerging plan; the extent to which there are unresolved objections; and the degree of consistency of the relevant policies to the policies in the Framework. On the first of these points I have already concluded, above, that because of the current stage of preparation of the SCLP, its policies can only carry limited weight in this appeal. The fact that there is an unresolved objection, on behalf of the site owner, is a further reason why this policy should only carry limited weight in this case.
86. Furthermore, on the basis of my findings on the earlier main issues, I consider it questionable whether the appeal site can reasonably be seen as fulfilling the requirements of the Framework or indeed the Council's own draft policy for LGS designation. Having regard to the matters set out in paragraph 77 of the Framework, and notwithstanding the assertions made in the Council's second reason for refusal, I am not persuaded that the site possesses any particular beauty, historic significance, or richness of wildlife.
87. In terms of recreational value, despite the evidence of use by the Council and particularly by interested persons⁴⁷, the fact remains that there are no formal rights of way across the appeal site, and as the appellant says, the submitted figures indicate that only a small proportion of the local catchment population appears to use the site on a regular basis⁴⁸.
88. Moreover, paragraph 76 of the Framework makes it clear that identifying land as LGS should be consistent with the local planning of sustainable development and should complement investment in sufficient homes, jobs and other essential services. However, I understand that the proposed designation of the appeal site as LGS dates back to 2012, well before the objectively assessed needs of the district had been assessed in accordance with Framework requirements. There is

⁴⁶ See the evidence of Councillor Williams

⁴⁷ See especially paragraph 4 in Mr Culshaw's evidence

⁴⁸ Paragraph 89 in Doc 31

no firm evidence before me to demonstrate that the credentials of this site as a contender for LGS designation have been reassessed in the light of the Council's current housing situation, where it cannot demonstrate a 5 year supply of housing land and where there is a significant need for affordable housing.

89. Because of this I share the appellant's view that LGS designations should not be applied to sites in sustainable locations, which are otherwise unconstrained and well suited for the development of new homes⁴⁹. This echoes guidance in the PPG, which states that plans must identify sufficient land in suitable locations to meet identified development needs, and that the LGS designation should not be used in a way that undermines this aim of plan making⁵⁰.
90. I acknowledge that there is strong support for the LGS designation of the appeal site from many local people, and that general support for the protection of the countryside around Fulbourn was identified as long ago as 2007, when the Parish Plan for Fulbourn was being prepared⁵¹. But for reasons already detailed above, I do not consider that this means that the appeal site should be considered a valued landscape in Framework terms, or that it satisfies the criteria for LGS designation. Accordingly, in view of all the above points, I conclude that very little weight should be given in this appeal to emerging SCLP Policy NH/12, and the proposed designation of the appeal site as a LGS. In these circumstances, there is no need for any very special circumstances to be identified.

Main Issue 6 – Whether the submitted planning obligations would satisfactorily address the impact of the proposed development

91. LDF Policy DP/4 indicates that planning permission will only be granted for proposals that have made suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms. In this regard the appellant submitted 2 planning obligations to accompany the appeal proposal: a bilateral agreement with Cambridgeshire County Council⁵²; and a unilateral undertaking (UU) in favour of the Council⁵³.
92. Under the bilateral agreement the appellant would make a number of agreed financial contributions relating to Early Years Education, Primary Education, Secondary Education, and Libraries and Lifelong Learning. There is no dispute between the parties regarding these contributions, the actual amounts of which, and timescale for payment thereof, would be dependent on the final number of dwellings to be built on the site and the detail of the subsequent applications for approval of reserved matters.
93. The appeal proposal would increase the population of the village and, without the agreed contributions, would place pressure on education services and facilities. I therefore conclude that these contributions would meet the statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010, as they would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
94. The UU covers a number of matters, several of which have been agreed with the Council. There is no dispute regarding the arrangements for the provision of

⁴⁹ Paragraph 4.33 to Mr Kosky's evidence

⁵⁰ CDA2 – Paragraph 007 Reference ID 37-007-20140306

⁵¹ See paragraph 3 in Councillor Williams' evidence

⁵² Doc 32

⁵³ Doc 33

affordable housing, which would amount to 30% of the total housing units provided. Nor is there any dispute regarding the contributions offered for Waste Receptacles, Healthcare, Indoor Community Space or Sports Space, or for the Monitoring Fee. There are strong disagreements, however, relating to LEAP and open space provision, and whether the appeal proposal would accord with LDF Policies SF/10 and SF/11 which deal, respectively, with "Outdoor Playspace, Informal Open Space, and New Developments", and "Open Space Standards", and also with guidance in the Open Space in New Developments SPD⁵⁴.

95. The Council is concerned that the UU seeks to limit formal children's play space to the form of a LEAP. It argues that the quantum of formal play space to be provided could and most likely would exceed that which is required for a LEAP, and that the UU would not allow delivery of the full quantum of formal play space required under Policy SF/11 and paragraph 2.8 of the Open Space SPD. However, whilst the Council may prefer the UU to omit the specific reference to a LEAP in its table at paragraph 5.6, I am not persuaded that the inclusion of this reference places this aspect of the UU outside the requirements of the Open Space SPD.
96. I acknowledge that paragraph 2.4 of this SPD simply sets out a guide for when on-site provision will be sought, but it seems quite clear that the maximum number of dwellings proposed only requires the provision of a LEAP, with provision of a Neighbourhood Equipped Area for Play not being triggered on sites of less than 200 dwellings. Accordingly, and despite the Council's contrary assertions, I do not consider that the provision as proposed would be at odds with SPD requirements. As such, I do not find conflict with Policy SF/11.
97. I have noted the Council's contention that the UU does not make provision for ongoing maintenance, in accordance with Policy SF/10, and for Council step-in rights and indemnification, in respect of the very substantial areas of open space to be delivered over and above the formal and informal place space. It argues that if a detailed maintenance arrangement is required at this stage through a UU for the relatively modest area of space required to meet policy, there is no logical reason why the same arrangement is not required for the balance of open space, which would amount to some 3.29 ha⁵⁵.
98. It seems to me, however, that such matters could be dealt by means of the proposed Biodiversity and Landscape Management Plan which would cover these additional open space areas, and could be secured by condition⁵⁶. This negatively worded condition would not permit development to start until the aforementioned plan has been submitted to and approved in writing by the Council. The appellant has compared this condition to a further agreed condition, aimed at securing an acceptable surface water drainage scheme⁵⁷, which I understand is acceptable to the Council.
99. I note that the scheme referred to in the drainage condition is intended to cover details of the long-term ownership/adoption of the surface water drainage system, as well as its maintenance, but that there is no similar, explicit provision in the suggested Biodiversity and Landscape Management Plan condition. In some ways, this appears to go to the heart of the Council's concerns about step-in rights and indemnification in a case of default. That said, as currently worded, this condition

⁵⁴ See Appendix 1 to Doc 23

⁵⁵ See paragraph C.1 in Doc 23

⁵⁶ See Condition 12 in Doc 26

⁵⁷ See Condition 8 in Doc 26

makes it plain that the Biodiversity and Landscape Management Plan should include full details of measures required to deliver the long-term maintenance of all the areas providing landscape and ecological management, and should also address means of public access, including boardwalks.

100. As such, I see no reason why this condition could not give the Council the assurances and safeguards it seeks, especially as there would be further scope to pursue this issue in detail at reserved matters stage. In this regard I share the appellant's view that if it was felt that certain provisions could only be secured through a planning obligation, such as giving the Council step-in rights and/or securing a guarantee of long-term maintenance funding, then despite the Council's assertions to the contrary, the PPG would not rule this out⁵⁸. Put simply, if the Council was not satisfied that the submitted Biodiversity and Landscape Management Plan could and would make all the necessary provisions, including acceptable arrangements for long-term maintenance, it could refuse to approve it.
101. I am more concerned, however, about the Council's contention that the UU contains no adequate guarantee to provide indemnification, should the Council need to undertake maintenance of the LEAP and the informal open space, with the guarantee as proposed being deficient in 2 respects. Firstly, it maintains that as the offer of a guarantee is limited to circumstances in which the open space is transferred to a management company, it fails to address the position whereby the landowner elects to retain the open space itself, or transfer it to what the Council referred to as a "shelf company"⁵⁹. Secondly, it argues that a guarantee is only as strong as the reliability of the guarantor, and that the UU provides the Council with no control over the identity of the guarantor, which is fixed as the owner, whomsoever that may be.
102. I consider that there is some validity to these concerns, especially when what the UU offers is compared with paragraph 2.19 of the Open Space SPD. This makes it quite clear that for new developments, it is the developer's responsibility to ensure that the open space and facilities are available to the community in perpetuity and that satisfactory long-term levels of management and maintenance are guaranteed.
103. I note that clause 5.1 of the UU requires a "LEAP Scheme" and an "Open Space Scheme" to be submitted to the Council for approval, prior to commencement of the development. But whilst both of these schemes would require a programme and specification for the maintenance of the respective areas to be detailed and approved, neither provide any guarantee regarding effective implementation of the schemes or maintenance thereof. That appears to rely upon the requirements of clause 5.2 which indicates, in summary, that the owner will maintain the LEAP and the open space in accordance with the approved schemes.
104. But in this regard I share the Council's concern that if the owner transfers the LEAP and open space to a successor in title, as opposed to a management company, there is no provision in the UU for the Council to have any involvement. It could not therefore satisfy itself that a future owner would have the ability to provide the necessary long-term management and maintenance, as required by the aforementioned SPD. It is only if the owner decides to transfer the LEAP and/or open space to a management company that the Council would have an

⁵⁸ See Paragraph: 005 Reference ID: 21a-005-20140306, last bullet point

⁵⁹ Explained by the Council to be a company with no assets – see paragraph D.2 in Doc 23

involvement, insofar as it would be able to approve the Deed of Guarantee which the owner covenants to provide under clause 5.3 of the UU.

105. However, even in these circumstances the Council maintains that being able to approve the guarantee is not the same as being able to approve the guarantor, and it drew attention to 2 cases within the district where management companies had been wound up⁶⁰. The appellant's response is that the Council would not need to approve the guarantee unless it was satisfied as to the covenant strength of the covenantor⁶¹. But whilst this may be the case, this area of dispute, and the fact that the Council has had experience of management companies being unable to fulfil their obligations, causes me to have concerns as to whether this aspect of the UU would work effectively, in practice.
106. The Council had put forward 3 suggested alternative mechanisms which would have satisfied it on this matter, but none of these were acceptable to the appellant. These alternatives were that the UU should contain:
- a guarantee from an entity/body named at this stage, with sufficient assets/net worth to give the Council (and the Inspector) sufficient assurance that the guarantee would address "permanent, managed open space available for the benefit of the whole community"⁶²; or
 - a mechanism for future submission of a named Guarantor to the Council for approval and for the submission to include details of the assets/net worth of the Guarantor being proposed⁶³; or
 - fall-back arrangements with liability passing to plot purchasers in the event of default⁶⁴.
107. I understand that this final alternative, which has been used in other recent planning obligations within the district (both bilateral and unilateral), was under discussion between the Council and the appellant until after the opening of this inquiry, but was then withdrawn by the appellant⁶⁵. These alternatives do not seem unreasonable to me, and the appellant's unwillingness to embrace any of them reinforces the concerns I have already expressed about the ability of the arrangements in the UU to fulfil the responsibilities placed on a developer by Policy SF/10 and paragraph 2.19 of the Open Space SPD, detailed above.
108. Clause 5.4 of the UU does provide a mechanism for the Council to rectify any material default of compliance by the owner or any management company in respect of the ongoing maintenance of the LEAP and/or the open space, by allowing the Council to call for payment of the "Maintenance Contribution". But this clause also states that on payment of this contribution, the obligations of the owner or management company to maintain the LEAP and or open/space (as appropriate) shall be discharged. The Council has made it clear that it finds this discharge provision unacceptable, and again it seems to me that this mechanism would be at odds with the requirements of paragraph 2.19 of the Open Space SPD as it would remove the developer's/owner's responsibility to guarantee satisfactory long-term maintenance and management of these areas.

⁶⁰ See paragraph D.6 and Appendix 5 in Doc 23

⁶¹ See paragraph 96 in Doc 31

⁶² This quote comes from the appellant's Statement of Case, which refers to the proposed development as the catalyst (via the S106 agreement) for the dedication of nearly half of the site as permanent managed open space available for the benefit of the whole community. See paragraphs B.2, D.3.1 and Appendix 3 to Doc 23

⁶³ Paragraph D.3.2 in Doc 23

⁶⁴ The Council referred to other recent planning obligations where this mechanism has been accepted – see paragraph D.3.3 and Appendix 6 in Doc 23

⁶⁵ See paragraph D.4 and Appendix 7 in Doc 23

109. A final matter of disagreement between the parties relates to the timescale for provision of the LEAP and open space. The UU would permit no more than 75% of the open market units to be occupied until the LEAP and open space have been properly and fully laid out and made available to the residents of the development. But as the Council points out, that this could mean as many as 91⁶⁶ dwellings, or some 82% of the overall development, being occupied before new residents could use the LEAP and open space⁶⁷.
110. Similarly, the requirement to dedicate the LEAP and open space for public use would not arise until this same 75% target has been reached. Conceivably, the appellant could decide to stop the development short of this target, such that subject to Clause 5.1(b)(i) of the UU, up to 90 dwellings could be built and occupied with no LEAP and no open space provision at all. This would be in conflict with LDF Policy SF/10, and would result in an unacceptable development. In light of these points I share the Council's view that such a high threshold would be unreasonable, and consider that the Council's suggested alternative trigger of 50% of all dwellings would be both reasonable and proportionate.
111. I have noted the appellant's comment that the 75% figure was chosen because of safety considerations arising from the proposed layout of development, the fact that the site is to be served just from Teversham Road, and the need to avoid construction vehicles having to pass over or close to the proposed LEAP. But as the detailed layout of the site is yet to be agreed, I see no good reason why a lower threshold, to benefit future residents, could not be devised.
112. Taken together with my adverse findings already set out above, this latter point reinforces my view that the UU would not make suitable arrangements for the provision of infrastructure necessary to make the scheme acceptable in planning terms, as required by LDF Policies DP/4 and SF/10. I do not consider that this is a situation I could seek to resolve by the imposition of additional conditions, to take precedence over the UU (as set out in Clause 3.6), as any such conditions would have to cover matters which the appellant has already declined to accommodate. As a result, my overall conclusion on this issue is that the appeal proposal would fail to satisfactorily address the impact of the proposed development.

Main Issue 7 – Whether the appeal proposal would represent sustainable development in the terms of the Framework

113. The Framework makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 explains that there are 3 dimensions to this - economic, social and environmental – and that these give rise to the need for the planning system to perform a number of mutually dependent roles. I explore how the appeal proposal would perform against each of these roles in the following paragraphs, and what weight this should carry in my overall assessment. Then, as the development plan policies for the supply of housing are out-of-date, I assess the proposal in accordance with the fourth bullet point of paragraph 14 of the Framework, to determine whether or not the appeal proposal can be considered to be sustainable development.

The economic role

114. It is clear that a number of economic benefits would flow from this development, if permitted, as was recognised in the officer's Committee report. Up to 110 new

⁶⁶ comprising 58 open market dwellings and 33 affordable units

⁶⁷ See paragraph 78(iv) in Doc 30

market and affordable dwellings would contribute to the vitality of the area and would help support economic activity and growth. In the short term this would include the creation of jobs in the construction industry as well as the multiplier effect in the wider economy arising from increased activity. In the long term the provision of housing would help meet the needs of businesses in Cambridge⁶⁸.

115. Despite claims from both the Council and FP that the need for advanced earthworks and ecological surveys and other concerns such as noise implications (see later) would be likely to reduce the number of dwellings which could be completed within a 5 year period, this view is not supported by the Statement of Delivery prepared by Carey New Homes⁶⁹. This indicates that all dwellings could be completed on site within an overall 4 year period, from the start of any detailed planning exercise, and it seems to me that this would allow adequate time for the necessary earthworks and any additional surveys to be undertaken. In the absence of any firm, factual evidence to the contrary, I have to have due regard to this Carey New Homes assessment.
116. These benefits would not be unique to this development, but would flow from any new housing development within the district. However, this does not detract from the fact that the appeal proposal would give rise to these real benefits, and for this reason I consider that it should be regarded as satisfying the economic role of sustainable development. This weighs heavily in the appeal proposal's favour.

The social role

117. A key strand of the social role is the provision of housing to meet the needs of present and future generations and, as already noted, the appeal scheme would deliver much needed market and affordable housing with up to 77 market units and up to 33 affordable homes. This has to be viewed in the context of the fact that the Council can currently only demonstrate a 4.1 year's supply of deliverable housing sites, well below the 5 year supply required by the Framework.
118. I give little weight to the Council's contention that it has been actively addressing this housing land deficit by granting planning permission for some 570 dwellings since April 2016. It seems to me that the appellant is correct in saying that this is barely sufficient to meet the assessed need which has arisen over the last 5 months⁷⁰. Moreover, I share the appellant's view that as some 199 of these dwellings were allowed on appeal, this is not indicative of a Council recognising that it needs, itself, to be taking steps to boost housing provision⁷¹.
119. The evidence before the inquiry also indicates that there is a significant shortage of affordable housing within the district, with a recent appeal decision in the district issued in August 2016, identifying a "chronic shortage" of affordable homes, amounting to an existing need at 2013/14 of 2,846 dwellings⁷². No firm evidence has been submitted to indicate that this situation has materially changed since 2013/14. I also note the appellant's comment that there is a recently assessed need for some 79 affordable homes in Fulbourn⁷³, and whilst there is nothing to suggest that affordable units on the appeal site would specifically address this identified local need, this does not diminish the weight which should be given to much needed, policy compliant affordable housing.

⁶⁸ See paragraph 58 in CDE6

⁶⁹ Appendix J to Mr Totman's evidence

⁷⁰ Paragraph 15 in Doc 31

⁷¹ *ibid*

⁷² Paragraph 17 of CDF5

⁷³ Page 3 in Appendix 8 to Mr Kosky's evidence

120. FP asserted that the total amount of housing to be provided would only represent a very low percentage of the Council's overall objectively assessed need, but the same could be said of any modestly-sized housing proposal. In itself, this is therefore not a good reason to prevent such development from proceeding, and I give it little weight. I also give little weight to FP's assertions, referred to earlier, that likely difficulties and delays in delivery should lessen the weight to be given to the benefits arising from new dwellings on the site, as it was unable to submit any firm, factual evidence to support these views.
121. However, the potential benefits detailed above have to be tempered by my concerns regarding the UU. The Framework makes it clear that the social role of sustainable development embraces more than simply housing numbers. It requires the supply of housing to reflect the community's needs, and support its health, social and cultural well-being. I find it very difficult to be confident that the appeal proposal would achieve these aims, and make adequate provision for the needs of future residents, when there seems to me to be a high degree of uncertainty regarding the provisions for long-term maintenance of the LEAP and the open space – and indeed, some uncertainty as to whether the LEAP and open space would be delivered at all.
122. Taking a precautionary view on this matter, I consider that the proposed development would fail to satisfy the social role of sustainable development, and that this should weigh against the appeal proposal.

The environmental role

123. Paragraph 7 of the Framework indicates that as part of the environmental role of sustainable development, the planning system needs to contribute to protecting and enhancing the natural, built and historic environment, and I have considered these matters in detail under the first 3 main issues, above. I have concluded that the appeal proposal would not have an adverse impact on the character or appearance of the surrounding area nor, subject to the successful implementation of an agreed Landscape and Biodiversity Management Plan, would it have an unacceptable impact on areas of ecological or nature conservation interest.
124. Insofar as the impact of the proposed development on the historic environment is concerned, I have concluded that there would be less than substantial harm to the significance of the Fulbourn Conservation Area, with this harm being at the bottom end of the "less than substantial" range. I need to consider whether this harm to the designated heritage asset would be outweighed by the public benefits of the proposal, in accordance with paragraph 134 of the Framework.
125. To be set against this harm there would be the economic benefits I have just identified above. These benefits weigh heavily in the appeal proposal's favour. I also attach weight to the specific heritage benefits arising from the proposed restoration and opening to the public of the former pumping station garden, as set out in paragraph 53 above. There would also be a number of ecological benefits, arising from the proposed positive management of the site, and the other matters detailed in paragraphs 73 to 76 above.
126. Overall, in carrying out the necessary balance, I consider that notwithstanding the great weight which I give to the conservation of the designated asset, the public benefits outlined above would outweigh the low level of "less than substantial" harm which I have identified would be caused to the Fulbourn Conservation Area. In other words the appeal proposal passes the "paragraph 134" test.

127. Having regard to all the above points, I conclude that the proposed development would satisfy the environmental role of sustainable development. This also weighs heavily in favour of the appeal proposal.

Other matters

128. Before undertaking the assessment under the fourth bullet point of the Framework's paragraph 14, it is necessary to consider whether any of the other matters raised weigh significantly for or against the appeal proposal. I have had regard to the significant number of written representations submitted by interested persons, covering a wide range of topics. However, the majority of these raise matters which have already been addressed under the main issues in this decision, and it is therefore not necessary to deal with them separately here.
129. Many objections have been raised on highways related grounds, but these points were carefully considered by the Council and were not seen as valid reasons for refusal, as they could be addressed by conditions, or at any future reserved matters stage. On the basis of the evidence before me I share that view, and have not given these matters weight in reaching my decision. Some other matters do, however, warrant further consideration, as they were raised in the written evidence, or raised directly at the inquiry by FP or others, and I therefore deal with them in the following paragraphs.
130. A particular theme of the evidence presented by FP was that development of this site would present many difficulties, which could well lead to delays in the construction of any dwellings, if planning permission is granted, such that any benefits arising from additional housing would be reduced and should therefore carry less weight in the planning balance. I have already indicated that I do not consider these arguments to be justified insofar as any advanced earthworks and ecological surveys are concerned. A further matter raised in this context is noise.
131. The Noise Assessment Report submitted with the planning application recognises the potential for noise impact on occupiers of any new dwellings, arising from existing industrial activity from premises at the Breckenwood Road Industrial Estate. However, any such impacts could be mitigated by "acoustically treating" any noisy equipment at source, or by incorporating appropriate mitigation measures into the detailed design of the proposed development. These measures could be secured by suggested conditions, if planning permission was to be granted, and I see no reason why approval of such measures should unacceptably delay construction, as claimed by FP. In these circumstances, and in light of the Statement of Delivery prepared by Carey New Homes and referred to earlier, I cannot give these claims any meaningful weight.
132. Mr Godber, who spoke at the inquiry, claims that contrary to the information contained in the SOCG, there are several public rights of way which cross the appeal site. He states that Cambridgeshire County Council will need to investigate these claims and that this process will delay the construction of new housing (if planning permission was to be granted), such that there would be no prospect of housing being built on this site within 5 years. However, Mr Godber's claims have not been supported by any firm, factual evidence, and they are at odds with the agreed position of the 2 main parties as set out in the SOCG. In these circumstances I can only give these claims very limited weight.
133. Finally, Mr Godber also states that there is a real possibility that an application will be made to register part or all of the appeal site as a village green, which could

also have major implications for the timescale or realisation of any construction on the site. Again, however, no firm evidence has been put forward on this matter. Moreover, the appellant has highlighted the fact that the provisions introduced by the Growth and Infrastructure Act 2013 prevent an application for registration being made once notice of a planning application has been given, as here⁷⁴. No contrary evidence on this matter has been placed before me, and I therefore give little weight to Mr Godber's assertions in this regard.

Assessment under paragraph 14 of the Framework

134. This assessment has to be undertaken under the first sub-point of paragraph 14's fourth bullet point, as I have already concluded, above, that policies for the supply of housing have to be considered out-of-date, and the specific heritage policies of the Framework do not indicate that planning permission should be refused. In this context I have found in the appeal proposal's favour on many of the main issues, and have also concluded that the proposal would satisfy the economic and environmental roles of sustainable development. These matters, together, weigh heavily in the appeal proposal's favour.
135. However, my concerns regarding the UU, and the fact that I have found the proposal to be in conflict with LDF Policies DP/4 and SF/10, mean that I have serious doubts about the appeal proposal's ability to provide an acceptable development for future residents. As such, I do not consider that it would satisfy the social role of sustainable development. This is an important consideration, and in my assessment, the adverse impacts arising from this matter would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
136. Because of this I conclude that the appeal proposal cannot be considered to be sustainable development. This means that it does not benefit from the presumption in favour of such development, described in the Framework as the golden thread running through both plan-making and decision-taking. This is a material consideration in the overall planning balance, which I undertake below.

Planning balance and overall conclusion

137. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 I am required to assess this proposal in accordance with the development plan, unless material considerations (which include the Framework), indicate otherwise. Although policies for the supply of housing have to be considered out-of-date, other relevant development plan policies are up-to-date and should carry full weight. This applies to LDF Policies DP/1, DP/2, DP/3 and NE/4, dealing with design and landscape matters; Policy CH/5 dealing with conservation areas; and Policy NE/6 dealing with biodiversity. I have found no conflict with these policies.
138. However, LDF Policies DP/4 and SF/10, dealing with infrastructure and new developments; and outdoor playspace, informal open space and new developments, also carry full weight, and as detailed above, I have found that the appeal proposal would be in conflict with these policies. This conflict means that, despite my favourable findings on many of the main issues, the deficiencies with the UU mean that I cannot have any certainty that the appeal proposal would result in an acceptable development for future residents to live in. I do not

⁷⁴ Section 15C of the Commons Act 2006

consider that this matter could appropriately be addressed by any planning conditions I could impose.

139. My overall conclusion, therefore, is that the appeal proposal would be in conflict with the development plan and would not be sustainable development. The adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits which would arise from this development and I therefore conclude that this appeal should be dismissed.

David Wildsmith

INSPECTOR

APPEARANCES

FOR THE COUNCIL	
Douglas Edwards QC	instructed by the Head of Legal Services, South Cambridgeshire District Council (SCDC)
He called:	
Adrian Gascoyne BA(Hons) FSA MCIfA	Historic and Built Environment Manager, Essex County Council
David Bolt BA(Hons) CMLI	Technical Manager, Fairhurst Landscape and Urban Design
Rob Mungovan BSc(Hons) MIEEM	Ecology Consultancy Officer, SCDC
Sarah Ballantyne-Way BSc(Hons) MSc MRTPI	Director, SBW Planning Ltd

FOR THE APPELLANT	
Simon Bird QC	instructed by Michael Heyworth-Dunn, Legal Counsel, Castlefield International Limited
He called:	
Dr Chris Miele MRTPI IHBC	Senior & Owning Partner, Montague Evans
Lisa Toyne BA(Hons) DipLA DipTP CMLI	Landscape Planning Director, Barton Willmore LLP
Richard Totman BEng(Hons)	Director, Canon Consulting Engineers
Ian Ellis BSc(Hons) MRes MCIEEM	Principal Consultant, NIRAS Consulting Limited
Steven Kosky BA(Hons) DipTP MRTPI	Planning Director, Barton Willmore LLP

FOR FULBOURN PARISH (FP) (RULE 6(6) PARTY)	
George Crutcher DipUD MRTPI	Planning Consultant
He gave evidence himself, and called:	
Robert Culshaw FRSA FRGS MCIL	Local resident
Councillor John Williams	District and County Councillor
Mrs Alex Andrews	Local resident
David Cottee DArch RIBA	Local resident (did not attend the Inquiry – his statement was read out)

INTERESTED PERSONS OPPOSING THE PROPOSAL	
Paul Godber	Local resident
Martin Baker	Conservation Manager, The Wildlife Trust BCN
Graham Cone	District Councillor, Fulbourn Ward

CORE DOCUMENTS

Section A: National Planning Documents, National Guidance and Legislation	
CDA1	National Planning Policy Framework 2012
CDA2	National Planning Practice Guidance 2014
CDA3	Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment (Historic England) 2015
CDA4	Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England) 2015
CDA5	NCA Profile 87: East Anglian Chalk
CDA6	NCA Profile 88: Bedfordshire and Cambridgeshire Claylands
CDA7	Vision for the Future Cambridgeshire Landscape, Cambridgeshire County Council 1991
CDA8	Conservation Area, Designation and Appraisal, Historic England Advice Note 1 2016
CDA9	BS 7913:2013 Guide to the Conservation of Historic Buildings 2013
Section B: Local Development Plan Documents	
CDB1	Selected South Cambridgeshire District Council Core Strategy 2007 Policies
CDB2	Selected South Cambridgeshire District Council Development Control 2007 Policies
Section C: Emerging Development Plan Documents	
CDC1	Selected South Cambridgeshire Local Plan Proposed Submission 2013 Policies
CDC2	Relevant Schedule of Proposed Modifications 2016
CDC3	Proposed Modifications Joint Consultation Report 2015
CDC4	Schedule of Proposed Major Modification to the Submission Local Plan 2014
CDC5	Local Plan Submission Inset Map 2013 - Fulbourn
CDC6	Local Plan Submission Inset Map Key
CDC7	Issues and Options 2 - Jan 2013
CDC8	Fulbourn Settlement Audit March 2014
CDC9	Objectively Assessed Housing Need: Further Evidence - PBA Nov 2015
CDC10	Objectively Assessed Housing Need: Response to Objectors - PBA March 2016
CDC11	Local Plan Inspector Letter 20 May 2015
CDC12	Council letter to EIP Inspector 30 June 2015
CDC13	Council letter to EIP Inspector 30 June 2015 ref Joint Trajectory
CDC14	Local Plan Inspector Letter 28 July 2015
CDC15	Local Plan Inspector Letter CIL 18 Aug 2015
CDC16	Council Letter to EIP Inspector 1 Sep 15
CDC17	Local Plan Inspector Letter 10 Sep 2015
CDC18	Council Letter to EIP Inspector 28 Sep 2015
Section D: Other SCDC Documents	
CDD1	Fulbourn Site Assessment Proforma SHLAA August 2013
CDD2	Local Development Scheme Addendum Nov 2015
CDD3	Fulbourn Conservation Area Appraisal 2007
CDD4	District Design Guide 2010
CDD5	Development Affecting Conservation Areas SPD 2009
CDD6	Landscape in New Developments SPD 2010

CDD7	Cambridge Green Belt Study, LDA on behalf of SCDC 2002
CDD8	Cambridgeshire Green Infrastructure Strategy 2011
CDD9	South Cambridgeshire Annual Monitoring Report January 2016
CDD10	Strategic Housing Market Assessment 2013
CDD11	Cambridge & South Cambs Sustainable Development Strategy 2012
CDD12	Matter 8 – Housing Land Supply and Delivery Jan 2015
CDD13	Housing Land Supply Update Nov 2015
Section E: Planning Application Documents	
CDE1	Screening Opinion Response
CDE2	22430 M02 Rev C Site Boundary Plan
CDE3	22430 M03C Illustrative Layout Plan
CDE4	22430 M06E Parameters Plan
CDE5	Consultation Responses
CDE6	Committee Report
CDE7	Committee Minutes
CDE8	Decision Notice
CDE9	Design and Access Statement
CDE10	Tree Survey
CDE11	Heritage Statement
CDE12	Phase 1 Habitat Scoping Report
CDE13	Landscape and Visual Impact Appraisal
CDE14	Planning Statement
Section F: Planning Inspectorate Decisions	
CDF1	Land off Shepreth Road, Foxton - APP/W0530/W/15/3084325
CDF2	Land to the west of Cody Road, Waterbeach - APP/W0530/A/13/2207961
CDF3	Land North of Bannold Road, Waterbeach - APP/W0530/A/13/2209166
CDF4	Land to the North of Lanthorn Stile, Fulbourn - APP/W530/W/16/3144909
CDF5	Land to the east of New Road, Melbourn - APP/W0530/W/15/3131724
CDF6	The Old Kennels, Framlingham Road, Easton - APP/J3530/W/15/3004542
CDF7	Land off Walden Road, Thaxted - APP/C1570/A/14/2222958
CDF8	Land North of Pelham Road, Clavering- APP/C1570/W/15/3010055
CDF9	Land at 14 Brook Street, Elsworth - APP/W0530/W/15/3135579
CDF10	Land off Green End, Braughing - APP/J1915/W/15/30045954
Section G: Legal Judgements	
CDG1	2014 EWCA Civ 137 East Northamptonshire DC v SSCLG (Barnwell Manor Wind Turbine Case)
CDG2	2014 EWHC 1895 (admin) Forge Field Society v Sevenoaks DC
CDG3	2014 EWHC 292 (admin) North Cote Farms Ltd v SSCLG & ERoYC
CDG4	2016 EWCA 168 Suffolk Coastal v Hopkins Homes & Richborough Estates v Cheshire East
CDG5	2015 EWHC 488 (admin) Stroud DC v SoS
Section H: Other Documents	
CDH2	Conservation Principles, Policies and Guidance – Historic England 2008
CDH3	Habitat Translocation A Best Practice Guide – Penny Anderson 2003
CDH4	CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland 2016
CDH5	A Habitats Translocation Policy for Britain – JNCC 2003
CDH6	Guidelines for Landscape and Visual Impact Assessment – Landscape Institute and IEMA 2013
CDH7	Landscape Character Assessment Topic Paper 6
CDH8	Departmental Letter, Brandon Lewis MP to Simon Ridley 27/03/2015

DOCUMENTS AND PLANS SUBMITTED AT THE INQUIRY

Document	1	Letter of notification of the inquiry, and list of persons notified
Document	2	Opening statement on behalf of the appellant
Document	3	Opening statement on behalf of SCDC
Document	4	Errata Sheet to Mr Bolt's evidence
Document	5	Errata Sheet to Mr Gascoyne's evidence
Document	6	Briefing Note from Dr Miele
Document	7	List of submitted plans
Document	8	Signed and dated SOCG between SCDC and the appellant
Document	9	Errata Sheet to Mrs Ballantyne-Way's evidence
Document	10	Updated Appendix 3 to Mrs Ballantyne-Way's evidence
Document	11	Extracts from the South Cambridgeshire Adopted Proposals Map 2010, showing Important Countryside Frontages
Document	12	Bundle of 2 photographs, taken from Mr Culshaw's property
Document	13	Extracts from A Parish Plan for Fulbourn, January 2009
Document	14	Statement of Peter Godber
Document	15	Planning and Landscape Report October 2007, prepared by Hutchison Whampoa Properties (Europe Ltd)
Document	16	Bundle of 3 plans showing the extent of adopted public highway in Cow Lane and Cox's Drove
Document	17	Plan showing the Breckenwood Road Industrial Estate
Document	18	Extracts from the South Cambridgeshire Adopted Proposals Map 2010, showing land to the north of Lanthorn Stile, Fulbourn, which was the subject of Appeal Ref APP/W530/W/16/3144909
Document	19	Bundle of 3 documents relating to proposed development at the Ida Darwin Hospital site
Document	20	Accompanied site visit itinerary
Document	21	Statement of Martin Baker, CIEEM, on behalf of The Wildlife Trust BCN
Document	22	Assessment of Species of Botanical Interest, dated 2 April 2015, carried out by MKA Ecology Limited
Document	23	Comments (with appendices) from SCDC Officers relating to matters of open space and landscaping covered by the appellant's unilateral undertaking
Document	24	Breeding Bird Survey Report, dated 18 August 2014, carried out by MKA Ecology Limited
Document	25	Details of Castlefield International Limited
Document	26	Final list of suggested conditions, all largely agreed
Document	27	Explanatory note from the local highway authority providing reasons for the proposed highway conditions
Document	28	Closing Submissions on behalf of Fulbourn Parish
Document	29	Extract from the State of Nature 2016, England
Document	30	Closing Submissions on behalf of SCDC
Document	31	Closing Submissions on behalf of the appellant
Document	32	Signed and completed S106 Agreement between Castlefield International Limited and Cambridgeshire County Council
Document	33	Signed and completed S106 unilateral undertaking made by Castlefield International Limited in favour of SCDC

APPENDIX 3

Health Impact Assessment

REVIEW PACKAGE FOR HEALTH IMPACT ASSESSMENT

	REVIEW AREA, CATEGORIES AND SUB-CATEGORIES	
1	CONTEXT	
1.1	Site Description and Policy Framework	
1.1.1	The report should describe the physical characteristics of the project site and the surrounding area.	Site characteristics and surroundings are outlined in section 2 of the Planning Statement and Section 2 of the Design and Access Statement.
1.1.2	The report should describe the way in which the project site and the surrounding area are currently used.	The existing land use is described in Section 2 of the Planning Statement and Section 2 of the Design and Access Statement.
1.1.3	The report should describe the policy context and state whether the project accords with significant policies that protect and promote wellbeing and public health and reduce health inequalities.	Section 4 of the Planning Statement sets out the planning policy context and Section 6 assesses the proposal in regards to the planning policy considerations including health and wellbeing issues. The Design and Access Statement suggests locations for Local Equipped Areas of Play (LEAP) and Local Areas of Play (LAP).
1.2	Description of the Project	
1.2.1	The aims and objectives of the project should be stated and the final operational characteristics of the project should be described.	The application proposal is described in Section 3 of the Planning Statement and the vision and design concepts are illustrated in the Design and Access Statement.
1.2.2	The estimated duration of the construction phase, operational phase, and where appropriate, decommissioning phase should be given.	The application is for outline planning permission and at this stage the precise phasing of the development is unknown. The Design and Access Statement estimates construction during 2018-2019.
1.2.3	The relationship of the project with other proposals should be stated.	Not applicable.

REVIEW PACKAGE FOR HEALTH IMPACT ASSESSMENT

1.3	Public Health Profile	
1.3.1	The public health profile should establish an information base from which requirements for health protection, health improvement and health services can be assessed.	See Section 6 of the Planning Statement.
1.3.2	The profile should identify vulnerable population groups. The profile should describe, where possible, inequalities in health between population groups and should include the wider determinants of health.	See Section 6 of the Planning Statement.
1.3.3	The information in the profile should be specific about the timescale; the geographic location and the population group being described and links should be made with the proposed project.	See Section 6 of the Planning Statement.
2	MANAGEMENT	
2.1	Identification and prediction of health impacts	See Section 6 of the Planning Statement.
2.1.1	The report should describe the screening and scoping stages of the HIA and the methods used in these stages.	n/a
2.1.2	A description of how the quantitative evidence was gathered and analysed (where appropriate) should be given and its relevance to the HIA justified.	n/a
2.1.3	A description of how the qualitative evidence was gathered and analysed (where appropriate) should be given and its relevance to the HIA justified.	n/a
2.2	Governance	n/a
2.2.1	The governance process for the HIA should be described.	n/a
2.2.2	The terms of reference for the HIA should be available to the reader and the geographical, temporal and population scope of the HIA should be made explicit.	n/a
2.2.3	Any constraints in preparing the HIA should be explained.	n/a

REVIEW PACKAGE FOR HEALTH IMPACT ASSESSMENT

2.3	Engagement	
2.3.1	The report should identify relevant stakeholder groups, including organizations responsible for protecting and promoting health and wellbeing that should be involved in the HIA.	n/a
2.3.2	The report should identify vulnerable population groups that should be involved in the HIA.	n/a
2.3.3	The report should describe the engagement strategy for the HIA.	n/a
3	ASSESSMENT	
3.1	Description of health effects	See Section 6 of the Planning Statement.
3.1.1	The potential health effects of the project, both beneficial and adverse should be identified and presented in a systematic way.	See Section 6 of the Planning Statement.
3.1.2	The identification of potential health impacts should consider the wider determinants of health such as socio-economic, physical, and mental health factors.	See Section 6 of the Planning Statement.
3.1.3	The causal pathway leading to health effects should be outlined along with an explanation of the underpinning evidence.	n/a
3.2	Risk assessment	
3.2.1	The nature of the potential health effects should be detailed.	See Section 6 of the Planning Statement.
3.2.2	The findings of the assessment should be accompanied by a statement of the level of certainty or uncertainty attached to the predictions of health effects.	n/a
3.2.3	The report should identify and justify the use of any standards and thresholds used to assess the significance of health impacts.	n/a

REVIEW PACKAGE FOR HEALTH IMPACT ASSESSMENT

3.3	Analysis of distribution of effects	
3.3.1	The affected population should be explicitly identified.	See Section 6 of the Planning Statement.
3.3.2	Inequalities in the distribution of predicted health impacts should be investigated and the effects of these inequalities should be stated.	n/a
3.3.3	Effects on health should be examined based on the population profile.	n/a
4	REPORTING	
4.1	Discussion of results	
4.1.1	The report should describe how the engagement undertaken has influenced the HIA, in terms of results, conclusions or approach taken.	n/a
4.1.2	The report should state the effect on the health and wellbeing of the population of the option and any alternatives that have been considered.	n/a
4.1.3	The report should justify any conclusions reached, particularly where some evidence has been afforded greater weight than others.	n/a
4.2	Recommendations	
4.2.1	There should be a list of recommendations to facilitate the management of health effects and the enhancement of beneficial health effects.	See Section 6 of the Planning Statement.
4.2.2	The level of commitment of the project proponent to the recommendations and mitigation methods should be stated.	n/a
4.2.3	There should be a plan for monitoring future health effects by relevant indicators and a suggested process for evaluation.	n/a

REVIEW PACKAGE FOR HEALTH IMPACT ASSESSMENT

4.3	Communication and layout	
4.3.1	Information should be logically arranged in sections or chapters and whereabouts of important data should be signaled in a table of contents or index.	See Section 6 of the Planning Statement.
4.3.2	There should be a lay summary (executive summary) of the main findings and conclusions of the study. Technical terms, lists of data and detailed explanations of scientific reasoning should be avoided in this summary.	n/a
4.3.3	All evidence and data sources should be clearly referenced.	n/a

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