

**Representation by Impact Planning Services Limited
on behalf of Abbey Developments Limited in respect
of an objection to Policy S/SB Settlement Boundaries
in the Greater Cambridge Local Plan First Proposals
(Regulation18: Preferred Options 2021)**

9th December 2021

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1.0 Introduction

- 1.1 This representation is submitted by Impact Planning Services Limited (IPS) on behalf of Abbey Developments Limited (ADL), in respect of an objection to the Greater Cambridge Local Plan First Proposals (Regulation 18: Preferred Options 2021), Policy S/SB.
- 1.2 ADL is promoting the site to the North and South of Bartlow Road, for residential development. An outline application under reference S/1963/15/OL, approved the principle of residential development in this location for 55 dwellings. A subsequent application for reserved matters approval under reference S/2501/19/RM, approved the appearance, layout, landscaping and scale of the development. The process of discharging the relevant conditions formed a long and protracted process with several submissions to discharge the required technical details and also the submission of a number of appeals. The proposals have been perceived as locally unpopular with Linton Parish Council (LPC), in particular raising a wide range of concerns and objections to virtually every aspect of the proposed development at the subsequent reserved matters and discharging of conditions stages. The planning history of the site is outlined in section 2.
- 1.3 It is important to note that in order to preserve the permissions granted under references S/1963/15/OL and S/2501/19/RM, the development on site was required to commence by 15th November 2021. This has now occurred.
- 1.4 As a consequence, ADL began s.278 (Highways Act) access works to the highway of Bartlow Road on 21st August 2021. In September 2021 this work was subsequently extended to include works further into the site in order to commence the development and implement the associated permission. This included the laying of foundations for 9 of the building plots (numbers 10, 30, 34, to 40) from 20th September to 5th October 2021 and the tarmacking of the bemoth on the southern site, extending to approximately 16.5m into the internal road network of the site on 9th October 2021.
- 1.5 At the time that the development commenced, there was no technical objection from consultees to the single outstanding pre-commencement condition relating to surface water drainage (outline permission condition No.10). To date, there has been no indication from SCDC that any form of enforcement action was being considered, and following an appeal allowed under PINS appeal reference APP/W0530/W/21/3267791, the drainage details have been approved and the condition can be considered

discharged. All of the other pre-commencement conditions relating to the outline and reserved matters have been discharged. This includes the discharging of condition 11 in accordance with its original wording. The planning permission has therefore been implemented.

- 1.6 The specific part of the above Plan to which this objection relates is **Policy S/SB Settlement Boundaries** on page 51 of the Plan. This does not take into consideration the approved and now implemented planning permission for residential development at the site at Bartlow Road, Linton, which lies outside the settlement boundary.
- 1.7 This objection also establishes that in its current form the Local Plan First Proposals is unsound because it is not consistent with the National Planning Policy Framework and it fails to take account of the evidence published by the Greater Cambridge Joint Authority.
- 1.8 To overcome this the final part of this representation sets out how the Plan can be made sound.

2.0 Site Description and Planning History

Site Description

- 2.1 The site is in two parts. It is located immediately to the south-east of Linton and lies adjacent to the existing settlement. The smaller parcel measuring approximately 0.775 ha lies to the north of Bartlow Road and the larger, approximately 2.73 ha area, lies to the south of Bartlow Road. A site location plan is included at **Appendix 1**. This site is not the subject of any statutory designation.
- 2.2 The northern land parcel consists primarily of an agricultural field which is currently laid to grass. It is bounded to the north and east by a strong mature hedge line and falls gently in gradient towards Bartlow Road. To the west is 'The Ridgeway', a residential cul-de-sac, which runs parallel to the site's boundary and to the south lies Bartlow Road.
- 2.3 The majority of the southern land parcel consists of former arable farmland and slopes more markedly from Bartlow Road down toward the River Granta. This site however has been the subject of archaeological evaluation with associated top soil removal. This has resulted in an extensive part of the site's sub-surface remaining exposed and the creation of a number of temporary spoil heaps at the site's margins.
- 2.4 The northern boundary is defined by a hedgerow whilst the A1307 lies to the east. To the west there are a number of trees and a partial hedge line immediately beyond which lies the residential area of Finchams Close and Bartlow Road in Linton.
- 2.5 In terms of the wider context, the site is bounded to the north and east by arable farmland and to the south by Linton's Pocket Park beyond which lies further farmland.
- 2.6 There were no formal vehicular access points to the sites, however there is an established farm access point to each parcel, both of which are taken from Bartlow Road. A new vehicular and pedestrian access to each part of the site from Bartlow Road was granted permission with the decision to approve the outline application and the new access to the southern parcel has now been provided.
- 2.7 The village of Linton extends to the west and is classified as a Minor Rural Centre as defined in the Spatial Strategy and Policy S/9 Minor Rural Centres of the South Cambridgeshire Local Plan adopted in September 2018. The appeal site has been accepted in principle as an extension of Linton, through the grant of outline planning permission by South Cambridgeshire District Council. According to the 2011 Census,

Linton comprised 2,008 dwellings so the proposed additional 55 homes represent a marginal increase of only 2.7% in housing stock.

Planning History

Outline Planning Permission ref: S/1963/15/OL granted 01/09/2017

- 2.8 The site is unallocated. An outline application for residential development of up to 55 dwellings with a landscape buffer and new vehicular accesses from Bartlow Road was submitted in August 2015. This was registered under reference S/1963/15/OL and approved on 1st September 2017 subject to conditions. The decision notice is included at **Appendix 2**.

Reserved Matters Approval: S/2487/18/RM refused 10/05/2019

- 2.9 Subsequently, a reserved matters application was submitted in June 2018 and registered under reference S/2487/18/RM. This application sought to discharge the reserved matters and other details required by the outline permission, particularly the layout of the site, together with the scale and appearance of the buildings and landscaping. This application was however refused, contrary to officer recommendation on 10th May 2019.

Reserved Matters Appeal PINS ref: APP/W0530/W/19/3235259

- 2.10 An appeal against the decision under reference S/2487/18/RM was submitted by IPS to the Planning Inspectorate on 12th August 2019. IPS submitted that the distribution of the affordable housing was considered to be appropriate as it had been endorsed by the Affordable Housing Officer in the consultee response. In addition, the decision to refuse the reserved matters was substantially influenced by late and detailed material submitted by LPC which ADL had not been given the opportunity to formally respond to. ADL had previously addressed all concerns and matters raised by officers and consultees in order for the Case Officer to report the application to the Committee with a favourable recommendation.

- 2.11 The appeal was determined by the written representations procedure and subsequently dismissed by the Planning Inspectorate on 20th March 2020. The Inspector considered the proposal would provide an acceptable distribution of affordable housing. However, he also found that certain aspects of the layout detail as proposed would harm the character and appearance of the area with an unacceptable scale, mass and proportion of properties facing the street.

Reserved Matters Approval (Revised) Ref: S/2501/19/RM Approved 15/11/2019

- 2.12 A revised reserved matters submission was made to SCDC validated under reference S/2501/19/RM on 22nd July 2019. This application sought to address the previous reasons for refusal under reference S/2487/18/RM. This included minor changes, lowering of slab levels and rearrangements of a number of house types on the site. The affordable housing was redistributed around the site and a green link was introduced running through both sites and linking the two. The application was reported to the planning committee on 13th November 2019 and subsequently approved. It is also important to note that this reserved matters application also sought to simultaneously discharge some 6 pre-commencement conditions¹. A copy of the related decision notice is included at **Appendix 3**.

Resubmission of outline planning application ref: S/2073/19/OL (undetermined)

- 2.13 On 14th June 2019 an outline application was validated by SCDC under reference S/2073/19/OL as an outline application for the erection of up to 55 dwellings, including a landscape buffer, new access and associated works. The intention of the outline application is to enable what would effectively be a renewal of the extant outline permission and there were no material changes to the terms and content of the new outline application from that previously approved under reference S/1963/15/OL in September 2017. This application is yet to be determined by SCDC and the Applicant has agreed extensions of time with the Case Officer until SCDC have discharged the subsequent condition submissions.

Applications to discharge conditions ref: S/4551/19/DC and S/4550/19/DC (withdrawn)

- 2.14 On 31st December 2019 a discharge of conditions application ref: S/4551/19/DC was validated for the discharge of 5 conditions, pursuant to the Reserved Matters approval ref: S/2501/19/RM. Discharge 14 of conditions application ref. S/4550/19/DC was validated for the discharge of conditions, pursuant to the Outline approval ref: S/1963/15/OL. These applications were withdrawn following discussion with the case officer.

¹ This reserved matters application was accompanied by a letter dated 19th July 2019 which identified the submission of material intended to satisfy conditions 5, 10, 13, 17, 18 and 23 of the outline permission ref: S/1963/15/OL.

Resubmission of Applications to Discharge of condition submissions May 2020

- 2.15 In May 2019, a series of individual applications were submitted to discharge conditions across both the Outline permission and Reserved Matters Approval. These applications were validated on the 19th May 2020, however formal acknowledgement was not received until the 19th June 2020. The status of the discharge of condition submissions and subsequent appeals is included at **Appendix 4**.

Appeals Submitted to PINS – January and February 2021

- 2.16 Some five appeals were lodged by ADL (the Appellant) on 27th January 2021 against non-determination of the following conditions submitted in May 2020. An appeal against the refusal of condition 2, materials was also submitted to PINS. A schedule of the appeals is included below:

- Condition 10 – Drainage, reference APP/W0530/W/21/3267791 – Allowed 8th November 2021
- Condition 5 – Landscape, reference APP/W0530/W/21/3267781 – Dismissed 8th November 2021
- Condition 17 – EDS, reference APP/W0530/W/21/3267764 - Withdrawn
- Condition 18 – CEMP, reference APP/W0530/W/21/3267768 - Withdrawn
- Condition 15 – Construction Plan, reference APP/W0530/W/21/3267765 - Withdrawn
- Condition 19iii) – Archaeology, reference APP/W0530/W/21/3269789 – Allowed 8th November 2021
- Condition 2 – Materials, reference APP/W0530/W/21/3271548 – Dismissed 8th November 2021

Resubmission of Applications to Discharge of Condition Submissions March 2021

- 2.17 In February 2021 a series of individual applications was submitted to discharge conditions of the Outline permission which were the subject of current appeals. This includes Conditions 5, 10, 15, 17, and 18. Conditions 5 (S/1963/15/CONDF), 15 (S/1963/15/CONDB), and 17 (S/1963/15/CONDD) and 18 (S/1963/15/CONDC) have now been discharged by SCDC. The submission to discharge condition 10

(S/1963/15/CONDG), was refused by SCDC Planning Committee (decision notice dated 6th October 2021), contrary to advice from technical consultees and SCDC's Case Officer. This condition has now been discharged by the appeal decision PINS ref. APP/W0530/W/21/3267791 and all relevant pre commencement conditions have been discharged.

S.73 Submission and Appeal

- 2.18 An application to vary condition 11 was submitted to SCDC on the 11th February 2021 and validated under reference 21/00629/S73. The Applicant had consistently proposed that the foul drainage scheme would be connected to the existing network in Bartlow Road and downstream of manhole number 2503. This was in accordance with the provisions of the Water Industries Act 1991 and the submission of this S.73 application sought to approve the alternative points of connection and regularise the foul water design of the site.
- 2.19 The application was reported to the Planning Committee with the Case Officers' recommendation that the application be approved. The committee refused the application despite the lack of technical objection from the relevant technically qualified statutory consultees. This decision is currently the subject of an appeal which is awaiting validation by the Planning Inspectorate.
- 2.20 Notwithstanding the submission of the S.73 application, the Applicant also prepared an application under reference S/1963/15/CONDE, which proposed a connection to manhole 7501, as noted in the condition as originally cited on the decision notice. This was submitted to ensure that there would be no delay in the commencement of the development on the site, which must have commenced by 15th November 2021 in order to preserve the permission. This application was submitted on the 12th February 2021 and approved on the 17th September 2021, some seven months later. This location however requires the route for connection to cross third party land in private ownership. The owner has previously advised SCDC that objection to such a route would be made thus obliging Anglian Water Authority to use its statutory powers of requisition. This could take a considerable amount of time and hence more convenient points of connection to the local public foul sewer have been pursued by the Applicant.

3.0 Development Plan History

Context at the time of the S/1963/15/OL Decision

- 3.1 Outline planning permission for residential development at the site (S/1963/15/OL) was granted in September 2017 by SCDC, principally because at the time, SCDC acknowledged that it could not demonstrate a minimum 5-year housing land supply and because locationally, the site was sustainable and the scale of the development was regarded as appropriate lying immediately adjacent a minor rural centre. The relevant housing supply policies of the (then) development plan had to be considered out of date. It was notable that several Committee members were under the mistaken impression that the development of the site had been the subject of an allowed appeal. It was not. It was a decision made by their own Authority in response to a housing land supply shortfall. This misinformation was left uncorrected and emboldened several Committee members into believing that the decision to permit this site to be developed was not of their own Authority's making and therefore, quite extraordinarily, as less material relevance to their decisions.
- 3.2 In the Officers' report to Committee, the reasoning and justification continued to explain that the National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development, and as such policies that seek to guide development at the most sustainable locations have a clear planning function. This essentially relates to the preferential selection of sites in accordance with a settlement hierarchy. The site was found compatible with that hierarchy. Where relevant policies are out of date, the NPPF states that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Current Policy Context and FYHLS

- 3.3 Since the approval of the Outline permission, South Cambridgeshire District has adopted a new Local Plan in September 2018. This Local Plan has been produced in cooperation with Cambridge City Council and Cambridgeshire County Council to cover the period until 2031. This replaced the existing Local Development Framework, with the exception of a limited number of saved policies.
- 3.4 Despite the approval of outline permission on the site, the new Local Plan and its evidence base omitted the site from an allocation and failed to adjust Linton's settlement

boundary to incorporate the site, despite it forming a part of South Cambridgeshire's housing land supply figure (at the time). Part of the reason for the 2018 Plan failing to accommodate the site within the settlement boundary of Linton is explained by the prolonged examination of this Plan. It was submitted for examination in March 2014 before the first planning permission on this site. The Plan remained at the examination stage for almost four and a half years.

- 3.5 South Cambridgeshire District Council stated in its Housing Trajectory and 5 Year Housing Land Supply Statement (April 2020), that they could (jointly with Cambridge City Council) demonstrate 5.4 years supply of deliverable housing land. The site at Bartlow Road is listed as a commitment (See **Appendix 5**) and forms an important part of the housing delivery trajectory for SCDC and the wider joint authority. Paragraph C432 notes that:

*'The site has detailed planning permission for 55 dwellings with a landscape buffer, which was approved in November 2019. **At February 2020, some works had started on clearing the site however none of the 55 dwellings had been started.** The development is being marketed by Abbey Homes as The Poppyfields and their website says that the development is coming in spring 2020. The housebuilder (Abbey Homes) has advised that they cannot advise on their delivery programme until they know when their discharge of conditions applications will be determined by the Council (see Response 80 in Appendix D), however they are able to mobilise and start works relatively quickly. **The Council is working with the housebuilder to resolve the issues to enable delivery of this development.** [IPS emphasis in bold].'*

- 3.6 In the South Cambridgeshire Annual Monitoring Report (AMR) for 2016-17 land north and south of Bartlow Road is identified in Table SC5 on page 54 and Figure 4.13 on page 62 'List of eligible sites as in housing trajectory'. It also appears in Appendix 1: Assessment of Housing Land Supply Sites on page 189.
- 3.7 The AMR for the following year (2017-2018) published in January 2019, also refers to the site in figure 3.9 on page 28.
- 3.8 In April 2021, the Greater Cambridge Housing Trajectory and Five-Year Housing Land Supply includes the site on page 28, figure 3.9. On page 38 it is included in table SC6 and has a more detailed note on page 198. This document is attached in **Appendix 6**.

- 3.9 As explained above the access into the southern part of the development has been implemented and the foundations for 9 of the dwellings were laid before the 15th November 2021. Development has therefore commenced.

4.0 The National Planning Policy Framework

- 4.1 Paragraph 31 of the 2021 NPPF requires the preparation of and review of all planning policies to be underpinned by relevant and up to date evidence. Later in paragraph 33 the NPPF explains that policies in plans should be reviewed at least every five years.
- 4.2 The requirement for planning policies to identify deliverable housing sites for years one to five of the plan period is set out in paragraph 68 a) and the value and contribution small and medium sites is spelt out in paragraph 69.

5.0 Planning Practice Guidance

- 5.1 The above guidance provides useful clarification about plan making. In paragraph:002 Reference ID: 61-002-20190315 which has the revision date of 15th March 2019, it states:

“The policies map should illustrate geographically the policies in the plan and be reproduced from, or based on, an Ordnance Survey map. If the adoption of a local plan would result in changes to a previously adopted policies map, when the plan is submitted for examination, an up-to-date submission policies map should also be submitted, showing how the adopted policies map would be changed as a result of the new plan.

Section 19 of the Planning and Compulsory Purchase Act 2004 sets out specific matters to which the local planning authority must have regard when preparing a local plan. Regulations 8 and 9 of the Town and Country Planning (Local Planning) (England) Regulations 2012 prescribe the general form and content of local plans and adopted policies maps, while regulation 10 states what additional matters local planning authorities must have regard to when drafting their local plans”.

6.0 The Greater Cambridge Local Plan First Proposals

- 6.1 This Plan is the subject of a public consultation running from 1st November to 13th December 2021. This is for the stage described under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (amended).
- 6.2 Given the recent change in events (the start of the construction at the site), ADL has assisted the South Cambridgeshire District Council by meeting its five-year housing land supply. Whilst the latest evidence behind the emerging Local Plan suggested that ADL were unable to advise on their delivery programme in the early part of 2020, things have moved on and ADL have now commenced development. In so doing ADL has significantly assisted South Cambridgeshire and the wider joint planning authority by the delivery of a site to meet its five-year land supply.
- 6.3 It is therefore more certain that the desperately needed new homes are in the process of being provided and the previous settlement boundary is now out of date.
- 6.4 The Greater Cambridge Local Plans team have been contacted by e-mails since 29th June 2021 about this issue. After resolving a technical problem Greater Cambridge provided early notice of the statutory consultation and at the beginning of September 2021, the timing of the 2018 Local Plan and the planning applications described above in the planning history was helpfully clarified.
- 6.5 However, now is the opportunity to make the change to the Local Plan and in particular the Policy S/SB Settlement Boundaries. As the Policy preamble is worded in the Regulation 18 version of the Plan, it states under the heading Proposed Policy Direction on page 51: *“The boundaries will be drawn on the Policies Map that will accompany the draft Local Plan for consultation”*.
- 6.6 The First Proposals continues: *“We propose that boundaries are defined to take into account the present extent of the built-up area as well as planned new development. Buildings associated with countryside uses, such as farm buildings, would not normally be included within a settlement boundary.*

Boundaries would not be defined around small clusters of houses or areas of scattered development where such buildings are isolated in open countryside or detached from the main concentration of buildings within Cambridge or a nearby village. Where planned developments, such as new settlements, have reached sufficient certainty

regarding their exact boundaries, new settlement boundaries will be drawn. Within settlement boundaries a range of policies within the Local Plan will indicate what sorts of developments may be suitable. This includes residential development, as indicated in the settlement hierarchy policy approach (at S/SH)”.

- 6.7 The Policies Map accompanying the First Proposals does not update the settlement boundary to include the site being developed by ADL so this must be revised. As a result, the Plan contradicts itself. The new settlement boundary should be extended to wrap around the site and ensure that this new housing scheme integrates well with the existing settlement.

7.0 Proposed Modifications to make the Plan sound

- 7.1 The Policies Map must be revised to enclose the site described in this representation within the existing settlement of Linton. The boundary shown on the First Proposals map is the same as the adopted South Cambridgeshire Local Plan shown in **Appendix 7**. Given the site is included in the Greater Cambridge Housing Trajectory (April 2021), it means that to be consistent with the Council’s own evidence, its own First Proposals Plan and the NPPF, the Policies Map must be updated.
- 7.2 The change or modification to the Plan is to revise the settlement boundary around Linton as shown by the green pecked line in **Appendix 8**. This new boundary will follow the extent of the new built-up area of Linton leaving the open space for the development still as part of the open countryside. Without this change the Plan will remain unsound because it does not reflect the Greater Cambridge evidence as it fails to confirm the contribution of the site towards the housing trajectory. It also fails to confirm the Council’s own decision to grant planning permission as a sustainable location, as evidenced in **Appendix 2**.