

JOINT DEVELOPMENT CONTROL COMMITTEE

Report by: Head of Planning Services

Application Number	07/0003/OUT	Agenda Item	
Date Received	19 December 2006	Officer	M Ovenden
Target Date	20 March 2007		
Parishes/Wards	Arbury and Castle		
Site	Land Between Huntingdon Road And Histon Road Cambridge CB3 0LE		
Proposal	Mixed use development comprising up to 1593 dwellings, primary school, community facilities, retail units (use classes A1, A2, A3, A4 and A5) and associated infrastructure including vehicular, pedestrian and cycleway accesses, open space and drainage works.		
Applicant	David Wilson Homes and consortium of land owners comprising NIAB, Christ's College, Sidney Sussex College, St Catherine's College, Chivers family and Chivers Farms Ltd.		
Recommendation Application Type	Approval with S106 & conditions Major (Large scale)	Departure: No	

Application Number	S/0001/07/F	Agenda Item	
Date Received	3 January 2007	Officer	J Ayre
Target Date	20 March 2007		
Parishes/Wards	Impington		
Site	Land west of Histon Road Cambridge		
Proposal	Formation of vehicular, pedestrian and cycleway access from Histon Road to serve the urban extension of the city between Huntingdon and Histon Road, Cambridge, together with drainage and landscaping works.		
Applicant	David Wilson Homes and consortium of land owners comprising NIAB, Christ's College, Sidney Sussex College, St Catherine's College, Chivers family and Chivers Farms Ltd.		
Recommendation Application Type	Approval with S106 & conditions Major (Small scale)	Departure: No	

The above applications are reported to the Planning Committee for determination in accordance with the Scheme of Delegation for the Joint Development Control Committee for the Cambridge Fringes

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APPENDICES

Ref Title

- A Site Boundary plan
- B Copy of Agent's letter referring to NPPF
- C Proposed conditions 07/0003/OUT (amended)
- D Proposed conditions S/0001/07/F (amended) – to be attached to 'Amendment Sheet'

1. PURPOSE OF REPORT

- 1.1 This report provides an update on the NIAB1 outline application and the related full application for the access to Histon Road that have been to the Joint Development Control Committee (JDCC) on two previous occasions. It assesses the proposal in the light of recent policy changes and takes the opportunity to address other matters that have changed since the application was last considered by the JDCC.

2. BACKGROUND

- 2.1 The outline application for the mixed use development - *comprising up to 1593 dwellings, primary school, community facilities, retail units (use classes A1, A2, A3, A4 and A5) and associated infrastructure including vehicular, pedestrian and cycleway accesses, open space and drainage works* – was submitted to the City Council in December 2006.
- 2.2 The related full application for the access - *Formation of Vehicular, Pedestrian and Cycleway Access Road from Histon Road to serve the Urban Extension of the City between Huntingdon Road and Histon Road, Cambridge, together with Drainage and Landscaping Works* – was submitted to South Cambridgeshire District Council on 3 January 2007.

- 2.3 The applications were first reported to the JDCC in July 2010 and received a resolution for approval subject to conditions and completion of a S106 Agreement ([see committee report](#) and minutes of the meeting for full details).
- 2.4 In August 2011 the applications (decision still not issued due to on going S106 negotiations relating to the main part of the site) were reported back to the JDCC to reconsider the wording of a condition on the draft permission relating to a limit on the number of occupations allowed before works to A14, in the context of additional information ([see committee report](#) and minutes of the meeting for full details).
- 2.5 As a result of ongoing negotiations relating to the S106 agreement, the applications remain undetermined. Although there have not been any significant amendments to the applications or S106 provision, the applications are being reported back to committee for a number of updates as summarised below:
- 2.6 This report covers four key issues:
- To ensure that the decisions take into account changes in planning policy since the original JDCC resolution, in particular the National Planning Policy Framework (NPPF) published at the end of March 2012.
 - To take into account evolving standards of energy efficiency and their application to new buildings
 - To add an additional condition relating to provision of fire hydrants as a result of a request from the Fire Service.
 - To provide an update on the issues covered by the S106 agreement.
- 2.7 This report should be read in conjunction with the committee reports to the JDCC in July 2010 and August 2011. These papers are not reproduced here but can be found using the links in sections 2.3 and 2.4 above.

3. THE PROPOSALS

- 3.1 The proposals remain unaltered from that previously considered by the committee and described in paragraph 2.1 and 2.2 above.

4. PUBLICITY

- 4.1 South Cambridgeshire District Council officers have been involved in drafting this report. The main consultees and residents who have previously written to the City Council about the application, have been notified about this report.

5. POLICY CHANGES

- 5.1 Since the committee last considered the application there have been changes in policy. These are listed below and considered in section 8 'Assessment'.

Central Government Policy

- 5.2 The key change in Government Policy has been the publication of the new National Planning Policy Framework (NPPF). This was published on 27

March 2012 and came into force the same day. The NPPF is intended to streamline national planning policy and provide a clearer, simpler, more coherent framework that is easier to understand and put into practice. It replaces all Planning Policy Planning Statements (PPSs) and Planning Policy Guidance Notes (PPGs) and related supplements, Mineral Policy Statements and Mineral Planning Guidance (MPSs and MPGs), Circular 05/2005: Planning Obligations, a Circular only relating to London and twelve letters to Chief Planning Officers (giving advice on planning matters).

- 5.3 The NPPF is a material consideration in this application, particularly because the recommendation and resolution explicitly took into account a number of now revoked PPGs and PPSs and Circular 05/2005: Planning Obligations. The list of national policy documents referred to in the committee report and now revoked is given in the table below.

PPS1	Delivering Sustainable Development (2005)
PPG2	Green Belts (1995)
PPS3	Housing (2006) [later revised]
PPS9	Biodiversity and geological conservation (2005)
PPS10	Planning for Sustainable Waste Management (2005)
PPS12	Local Spatial Planning (2008)
PPG13	Transport (2001)
PPG15	Planning and the Historic Environment (1994) †
PPG16	Archaeology (1990) †
PPG17	Planning for Open space, Sport and recreation (2002)
PPS22	Renewable Energy (2004)
PPS23	Planning and Pollution Control (2004)
PPG24	Planning and Noise (1994)
PPS25	Development and Flood Risk (2006) [later revised]
Circular 05/2005	Planning Obligations

† later replaced by PPS5 Planning for the Historic Environment (2010) – also revoked by NPPF.

- 5.4 The relevance of the NPPF is considered in section 8 ‘Assessment’ below.

Regional Planning

- 5.5 Prior to the committee’s original consideration of the application the coalition Government indicated its intention to abolish Regional Strategies – including the East of England Plan. Since then the Localism Act (2011) has been enacted which gives the Secretary of State the power to repeal Regional Strategies. This is subject to the outcome of environmental assessments and will not be taken until the Secretary of State and Parliament have considered the findings of the assessments. This process has not been completed and at the time of drafting this report the Regional Strategy remains part of the Development Plan - but as previously reported it should be afforded limited weight. Therefore there is no change to this particular aspect of the application. If the situation changes prior to the committee meeting this will be reported.

Cambridge Local Plan 2006 (07/0003/OUT)

5.6 The following local plan policies listed in the original committee report appendices have been revoked:

- 3/5 Mixed use development
- 4/16 Development and flooding
- 9/7 Land between Madingley Road and Huntingdon Road

5.7 Policies 3/5 and 4/16 were revoked because they duplicated national policy (now deleted as a result of the NPPF). The University Site Area Action Plan replaced policy 9/7. The revocation of these three policies does not materially affect the consideration of this application.

6. CONSULTATIONS

Planning Policy (City Council)

6.1 Overall, the Local Plan (2006) is compliant with the NPPF, with limited areas where the Plan is silent, or there is conflict. Where this does occur, it is on the basis that a new concept, initiative or change in policy direction at a national level has been introduced since adoption in 2006. Where this is the case, these issues are being addressed through the current review of the Local Plan. None of the few items where the Plan is silent, or there is conflict with the NPPF are material to this proposal.

Sustainability Officer (City Council)

6.2 The development has been delayed and during this time other growth sites have come forward. Many developers are delivering all housing at Level 4 (or in some circumstances higher). Level 4 should be the requirement here too. This approach is also consistent with the Local Plan Issues and Options consultation, and our climate change evidence base.

South Cambridgeshire District Council

6.3 SCDC has been informed about this report and any comments received will be reported.

7. REPRESENTATIONS

Cambridgeshire Fire and Rescue Service

7.1 Request application of condition requiring the provision of fire hydrants in the development.

7.2 None other representations have been received since last committee report. Any further comments received will be reported.

8. ASSESSMENT

8.1 Changes of Planning Policy

National Planning Policy Framework (NPPF)

8.2 The NPPF will be assessed in this section.

General comments

8.3 The NPPF confirms that the central principle of the planning system remains unaltered – that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. It is a positive document, states that sustainable development should normally be permitted but sets out the Government's requirements only so far as it feels it necessary to do so. It recognises the interrelated roles of planning i.e. its economic, social and environmental roles and in particular points to the need to widen the choice of high quality homes. It encourages effective use of land, promotes housing delivery, good design, mixed use development and making the fullest possible use of public transport, walking and cycling.

8.4 It emphasises that local planning authorities should have an up to date plan in place. The Cambridge Local Plan was adopted in 2006 and in so far as is relevant to this application is considered to be up to date. In general terms the whole document is relevant to the proposal but particular aspects stand out. These include promoting sustainable transport, delivering a wide choice of high quality homes and requiring good design. A reoccurring theme is that planning authorities should be positive, proactive and encouraging and not act as an impediment to sustainable development.

8.5 The NPPF explains the Government's approach to sustainable development in thirteen sections. These are examined below although some are more relevant to the development than others.

1 Building a strong, competitive economy

8.6 This section exhorts planning authorities to plan positively; encouraging sustainable economic growth, identifying strategic sites and avoid retaining employment allocations where there is no reasonable prospect of sites being developed for that purpose. The NIAB1 site has been allocated for a largely residential development in the local plan and policy 9/8 ('Land between Huntingdon Road and Histon Road') proactively encourages the site to be developed for a predominantly residential mixed use scheme. There are no redundant employment allocations on the site.

2 Ensuring the vitality of town centres

8.7 The proposed retail element of the scheme would be there to provide top up shopping for residents of the site and closeby. The proposed retail floorspace is 1800 sqm (1 supermarket of 1200sqm + 6 retail units of 100sqm) i.e. below the default 2,500 sqm threshold that the NPPF considers requires a retail impact assessment. This situation has not been affected by the NPPF.

3 Supporting a prosperous rural economy

8.8 This policy area has no direct relevance to the proposal.

4 Promoting Sustainable Transport

- 8.9 The NPPF promotes the creation of mixed use developments to limit the need to travel and requires the provision of transport assessments. The proposed NIAB1 development is mixed use providing school, retail, community facilities (open space, playing fields, library and meeting rooms) and is supported by a traffic assessment. The development permits controlled use of private cars, utilising maximum car parking standards and seeks to encourage use of other forms of transport. It provides for the use of public transport and walking and cycling facilities. For example there is a bus route proposed to run through the site between the Huntingdon and Histon Roads. The parameter plans identify safe and secure cycling and walking routes that will be incorporated into the development.

5 Supporting high quality communications infrastructure

- 8.10 This section relates to proposals to extend or enhance telecommunications systems including those normally allowed as permitted development. It has no direct relevance to the proposal.

6 Delivering a Wide Choice of High Quality Homes

- 8.11 The NPPF requires local authorities to plan to meet realistically assessed local requirements and identify local sites that are deliverable. This site was allocated in the local plan adopted in 2006 and there is no reason why it should not be deliverable. Developments should deliver a wide choice of high quality homes, be mixed, inclusive and sustainable. This development is for up to 1593 dwellings of various types, both private and affordable (managed by a Register Provider). The details of layout and design do not form part of this outline application.

7 Requiring Good Design

- 8.12 *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* It continues *“Local planning authorities should consider using design codes where they could help deliver high quality outcomes.”* Design Codes are used as a key tool for improving quality on the growth sites and NIAB1 is no exception. Negotiations on the evolving Design Code are on going and in due course it will come to the JDCC for consideration. The NPPF makes reference to design review panels and it is likely that some of the large residential reserved matters applications and key non residential buildings will go through this process. An example is the proposed primary school.

8 Promoting healthy communities

- 8.13 The NPPF encourages the creation of inclusive neighbourhoods and shared community facilities including open space and sports facilities developed through community involvement. This development is a new mixed use neighbourhood with community facilities developed through community input during the local plan process, outline application, continuing through design

coding and reserved matters applications. This situation has not been affected by the NPPF.

9 Protecting Green Belt land

- 8.14 The site was formerly part of the designated greenbelt but as part of its allocation for development in the 2006 Cambridge Local Plan it was removed the greenbelt. This situation has not been affected by the NPPF.

10 Meeting the challenge of climate change, flooding and coastal change

- 8.15 The NPPF does not materially change the planning issues considered under this heading. It recognises the role that planning has to play in securing radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Where local planning authorities look to set standards for the sustainability of new buildings, this should be in a way that is consistent with the Government's zero carbon buildings policy and adopt nationally described standards. This matter is addressed in the section 'Climate Change and Efficiency of buildings' (8.22 onwards).
- 8.16 The proposal has been subject to a flood risk assessment which looks both at its potential to suffer flooding itself but also of flooding elsewhere due to water displacement. The assessment has concluded that it is not as site that is subject to flooding and subject to use of SUDS (Sustainable Urban Drainage System) will not give rise to flooding elsewhere.

11 Conserving and enhancing the natural environment

- 8.17 Much of the site has been used for intensive crop trials and therefore its potential as a habitat is limited. The parameter plans show much of the existing hedgerows to be retained partly for reasons of biodiversity. Various landscape works and the provision of sustainable drainage is likely to improve the site's ecological value. This situation has not been affected by the NPPF.

12 Conserving and enhancing the historic environment

- 8.18 The site has no listed buildings and does not lie in or adjacent to a Conservation Area. There is one building of the site of local interest and that is the sports pavilion. This is being retained as part of the development. This situation has not been affected by the NPPF.

13 Facilitating the sustainable use of minerals

- 8.19 This policy area has no direct relevance to the proposal.

Conclusion on NPPF

- 8.20 The applicant has commented particularly with regard to the impact of the NPPF on the proposal. The agent's letter is provided as Appendix B. In

summary it is the applicants' belief that the proposal remains acceptable in the context of the NPPF.

- 8.21 The JDCC is asked to agree that the proposed development is in accordance with the NPPF and there are no material changes introduced by the NPPF that would alter the resolution to approve the applications.

Other planning issues

Climate Change and Efficiency of Buildings

- 8.22 The City Council is reviewing its local plan - the Issues and Options Report is currently out on consultation (15 June to 27 July 2012). As part of the work towards the new local plan the Council is reviewing the environmental standards that will be required for new buildings. Potentially future policies will require greater levels of energy and water efficiency. The Council's climate change evidence base for the review of the Local Plan, in the form of the Decarbonising Cambridge Study, included an assessment of the viability of developing new planning policy requiring specific levels of the Code for Sustainable Homes to be delivered as part of all new major housing developments. This study recommends that Level 4 of the Code for Sustainable Homes be sought, and this option is being consulted on as part of the Issues and Options Report.
- 8.23 It is noted that under the Government's current plans new dwellings would be required by the Building Regulations (Part L) to comply with Zero Carbon Homes policy from 2016. The Government recently consulted on the future of the Building Regulations and anticipates standards being raised by October 2013, to get new development closer to the zero carbon target. Experience from the other growth sites is that developers are increasingly looking towards achieving Level 4 of the Code across all housing tenures, with some sites also delivering an element of Code Level 5. In some cases, an uplift in the Level of the Code for Sustainable Homes sought has been written into the condition, so that after a set number of market homes have been delivered at Level 3 of the Code, this level then rises to 4.
- 8.24 The timescale for delivering this development has slipped significantly. The application was submitted in December 2006. The Design and Access Statement (2009 revised) refers in section 5 'Implementation and phasing' to a "realistic and achievable" start on site during 2009 and an initial completion rate of 200 a year rising to a consistent 350 completions a year thereafter. It predicted the completion of the development within six years (i.e. 2013/14). The development of most of the NIAB1 frontage site (subject to a separate permission) is likely to be complete by the end of 2012 but the development of this main site has slipped to such an extent that the first tranche of completions is now unlikely before late 2013. Given the same rate of build that would mean that the development would not be complete until 2017/8.
- 8.25 Therefore to require only Level 3 of the Code for Sustainable Homes, would not be in keeping with planning's role in securing radical reductions in greenhouse gas emissions, or the step changes towards Zero Carbon Homes. The Affordable Housing element of the NIAB1 scheme will need to be delivered at a minimum of Level 4 of the Code. As such it is considered

that a minimum of Level 4 of the Code should be required across the site, with energy efficiency standards rising to meet Zero Carbon Homes policy when this comes into force through Building Regulations in 2016. It is therefore proposed that draft conditions 28 and 29 be revised to require code level four and meet prevailing local efficiency standards that are adopted following local plan review. See Appendix C (page 9 –10) for wording.

Provision of Fire hydrants

- 8.26 Since the application was last considered by the JDCC, a request has been received from the Fire Service to require the provision of fire hydrants in Major developments. Officers consider that the matter can be dealt with by planning condition and there is a policy basis for doing so. The recommended condition is provided in Appendix C below.

Delay

- 8.27 It is now almost two years since the applications first came to the JDCC. Protracted negotiations have had to deal with a number of complex issues affecting the NW quadrant. Considerable progress has been made over the last 6 weeks but if officers judge that there is stalling of the S106 process the application will be reported back to the JDCC for determination.

Provision of primary education

- 8.28 NIAB1 is estimated to generate a requirement for a 2.4 form entry primary school. This is larger than the County Council's normal preferred size of primary school – 2 form entry. The development of NIAB2 will also generate a need for primary education provision.
- 8.29 At the time of the original JDCC report the committee was informed that it was proposed to provide two primary schools – one on NIAB1 and the other of NIAB2 – each of two form entry. However as NIAB2 had yet to be the subject of a planning application the possibility that it would never come forward could not be discounted. Therefore S106 negotiations contained an either/or provision – two 2 form entry primary schools or one three form entry school on NIAB1 if the NIAB2 did not come forward. A three form entry primary school would require more land and core facilities than a two form entry school. The additional land (0.7 hectare) that would increase the school site sufficiently to allow room for a three form entry would be safeguarded until such time as the provision of the primary school at NIAB2 was certain. If the additional land is not needed by the school it would become available for other development – most likely residential.
- 8.30 Since then the outline application for developing the University site has been submitted. That development also includes a primary school. This has resulted in a complex situation for the County Council to consider in relation to the appropriate size and timings of primary schools within each of the three north west quadrant sites. An additional complexity has been the changing development programme for NIAB1 and the University site. The NIAB2 programme remains uncertain.

8.31 Following a decision by County Council's senior officers its position is now of the view that there are no circumstances under which it would require a school larger than two form entry on NIAB1. It no longer wishes to have the either/or provision in the S106 but instead commit itself to the provision of two schools. The fall back position is that the County Council will provide a smaller (one form entry) school on land at NIAB2 should the housing at NIAB2 not come forward. The JDCC is asked to note this change in primary education strategy for the development.

Other S106 matters – Health Centre

8.32 The heads of terms for the S106 agreement contained a requirement for provision of the health centre building or payment of monies for a health centre at 1000 occupations. The position has evolved so that it is now proposed to provide the building and do so at 500 occupations.

9. CONCLUSION

9.1 The proposed development, subject to conditions and the S106 agreement, remains acceptable in planning terms despite changes in material considerations since the committee's last decision.

10. RECOMMENDATION

1) JDCC is asked to agree:

- i) that the development is in conformity with the NPPF subject to conditions listed in Appendix C attached to this report and the S106 Agreement
- ii) to put an additional condition on the outline permission requiring the provision of fire hydrants (condition 74)
- iii) the committee agrees to the changes in wording of the energy efficiency conditions (condition 28 and 29)

2) JDCC is asked to note:

- i) the amended County Council strategy for primary school provision
- ii) the progress so far on the S106 agreement and that officers will report this back to the JDCC for determination if there is a future stalling of progress

Background papers

- Application file 07/0003/OUT
- Application file S/0001/07/F
- Committee report (JDCC) July 2010
- Committee report (JDCC) August 2011