

Application Number 20/01972/COND35 **Agenda Item**

Date Received 08/02/2022 **Officer** James Truett

Target Date 22/04/2022 (with agreement)

Ward Queen Edith's

Site Netherhall Farm Worts Causeway Cambridge CB1 8RJ

Proposal Submission of details required by condition 35 (Pedestrian and Cyclist NW Connectivity) of outline planning permission 20/01972/OUT

Applicant GSTC Property Investments Limited

| | |
|-----------------------|---|
| <p>SUMMARY</p> | <p>This application seeks to discharge condition 35 of planning permission 20/01972/OUT.</p> <p>Condition 35 states:</p> <p>Prior to development commencing, details of the work undertaken to seek a link to Almoners' Avenue or Beaumont Road shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Cambridgeshire County Council, to determine the feasibility of implementing such link and improve pedestrian and cyclist connectivity.</p> <p>The application is considered acceptable because all reasonable efforts have been undertaken by the applicant to seek the</p> |
|-----------------------|---|

| | |
|----------------|--|
| | <p>feasibility of a link to Almoners' Avenue or Beaumont Road.</p> <p>The adjoining landowners strongly oppose the implementation of the link to Almoners' Avenue or Beaumont Road and are not willing to sell their land to the applicants to implement such a path.</p> <p>It is not considered reasonable to require an applicant to implement a path on land outside of the applicant's ownership.</p> |
| RECOMMENDATION | APPROVAL |

1.0 SITE DESCRIPTION/AREA CONTEXT

- 1.1 Land at Netherhall Farm (also identified as 'GB1' throughout this report) is a 7.2ha site located on the south-eastern edge of the City, at approximately 4 kilometres from the City centre. The site currently consists of arable land and three fields of semi-improved grassland, one of these is the Netherhall Farm Meadow City and County Wildlife Site (CiWS and CWS respectively, from now on identified as CWS only). The site wraps around a small group of buildings which make up Netherhall Farm, separated from the application site by hedgerows, with low-lying vegetation between the western edge of the site and Netherhall Farm). Worts' Causeway (A1307) runs alongside the southern edge of the site with arable fields within Green Belt to the east and the existing urban edge to the west and north of the site.
- 1.2 The site is not situated within a conservation area, and there are no statutorily or locally listed buildings or structures within the site. The farmhouse and the barns forming the adjacent Netherhall Farm are Buildings of Local Interest (BLI), falling outside the application boundary.

- 1.3 A Tree Preservation Order (TPO) covers Netherhall Farm and associated land covering several beech, horse chestnut, sycamore, ash and elm trees within the curtilage of Netherhall Farm. The TPO area also includes the Netherhall Farm Meadow CWS and part of the arable fields immediately east of the CWS.
- 1.4 To the north and west of the site is a large residential area in Queen Edith's Ward, mainly constituted of one and two-storey residential properties between Queen Edith's Way, Fendon Road and Worts' Causeway, with the Nightingale Recreation Ground as the area's main open and recreational space, located to the east of Fendon Road.
- 1.5 The main link for sustainable travel into the City is Babraham Road, with an existing shared cycle and footway and main bus services operating along the road. There are no pavements on either side of this part of Worts' Causeway. A bus gate is operated from the south-western corner of the site, and bus routes run along Worts' Causeway and mainly through Babraham Road, with the closest bus stop at 650m west of the site. Along Babraham Road, the Park and Ride (P&R) provides for the Linton to Cambridge bus route, and Addenbrooke's bus station to many other destinations within the Cambridge City area.
- 1.6 Wulfstan Way is the closest retail / shopping area from the development, at approximately 2 kilometre north of GB1, with larger supermarkets at Fulbourn and Trumpington. A smaller convenience stores area is at approximately 1.1 kilometre from the site, within the Addenbrookes complex and local facilities are proposed to be implemented in the GB2 site.

2.0 THE PROPOSAL

- 2.1 The submitted information seeks to discharge condition 35 of planning permission 20/01972/OUT for the Outline application (all matters reserved except for means of Access) for the erection of up to 200 residential dwellings, with associated infrastructure works, including access (vehicular, pedestrian and cycle), drainage, public open space and landscape.

2.2 Condition 35 states:

Prior to development commencing, details of the work undertaken to seek a link to Almoners' Avenue or Beaumont Road shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Cambridgeshire County Council, to determine the feasibility of implementing such link and improve pedestrian and cyclist connectivity.

Reason: To mitigate the impact of the development and in support of the sustainable access to the development, in compliance with policies 80 and 81 of the Cambridge Local Plan (2018).

3.0 SITE HISTORY

| Reference | Description | Outcome |
|------------------|---|--------------------------|
| 20/01972/OUT | Outline application (all matters reserved except for means of Access) for the erection of up to 200 residential dwellings, with associated infrastructure works, including access (vehicular, pedestrian and cycle), drainage, public open space and landscape. | Approved (07/01/2022) |

4.0 PUBLICITY

| | | |
|-----|------------------------|----|
| 4.1 | Advertisement: | No |
| | Adjoining Owners: | No |
| | Site Notice Displayed: | No |

5.0 POLICY

5.1 See Appendix 1 for full details of Central Government Guidance, Cambridge Local Plan 2018 policies, Supplementary Planning Documents and Material Considerations.

5.2 Relevant Development Plan policies

| PLAN | | POLICY NUMBER |
|-----------|-------|------------------------------------|
| Cambridge | Local | 80 – Supporting sustainable access |

| | |
|-----------|--|
| Plan 2018 | <p>to development, in particular 80 b.2.</p> <p>Conveniently linking the development with the surrounding walking, cycling and public transport networks</p> <p>81 – Mitigating the transport impact of development, in particular 81 c.</p> <p>Reasonable and proportionate financial contributions/mitigation measures where necessary to make the transport impact of the development acceptable.</p> |
|-----------|--|

5.3 Relevant Central Government Guidance, Supplementary Planning Documents and Material Considerations

| | |
|-----------------------------|---|
| Central Government Guidance | <p>National Planning Policy Framework 2021</p> <p>National Planning Policy Framework – Planning Practice Guidance from 3 March 2014 onwards</p> <p>Circular 11/95 (Annex A)</p> |
|-----------------------------|---|

6.0 CONSULTATIONS

Cambridgeshire County Council (Transport Assessment Team)

6.1 These comments are no objection comments in relation to the discharge of condition application in relation to condition 35. This condition requires the applicant to review the potential for connecting the development of GB1 to Almoners Avenue and Beaumont Road.

The applicant has undertaken work to highlight the appropriate route for any such connections, has engaged with the relevant land owners, and has undertaken all reasonable work to seek any opportunities for the creation of links.

The conclusion of this work is that it is not possible to create links to either Almoners Avenue or Beaumont Road. This is accepted.

7.0 REPRESENTATIONS

7.1 The owners/occupiers of the following addresses have made representations:
- 39 and 39a Almoners Avenue

7.2 The representations can be summarised as follows:

The owners/occupiers wish to object to the construction of a pedestrian and cycle access way through their private gardens on the grounds of residential amenity, design, and that the land is not within the developers' control. Plans were submitted showing indicative service corridors, and driveway visibility/access concerns by the residents.

7.3 The following representations have been made by City Councillor Sam Davies, and County Councillor Alex Becket. These can be summarised as follows:

It is critical for the sustainability of GB1 that a northern connection route should be delivered; that the intent of the Planning Committee in mandating Condition 35 has not been achieved; and that Planning Committee should have the opportunity to discuss the submitted feasibility report to ensure best efforts have been made, and to discuss the consequences of this and their implications for the compliance of GB1 with Policy 80.

7.4 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received the main issues are as follows:

1. Background
2. Feasibility
3. Third party representations

Background

- 8.2 The outline planning permission (20/01972/OUT) originally included condition 35. This was later excluded in its entirety as evidence was submitted to demonstrate that all reasonable efforts had been made to improve pedestrian and cyclist connectivity. This condition was later re-instated after planning committee in consultation with the Chair and Spokes. The intention of this was to ensure that sufficient efforts were taken by the applicants to secure a northern access.
- 8.3 This application has been called into committee by City Councillor Sam Davies, and County Councillor Alex Becket.

Feasibility

- 8.4 The wording of condition 35 required the applicant to detail the work undertaken to seek a northern link for the approved site (20/01972/OUT), prior to commencement of the development. It is the responsibility of the Local Planning Authority, in consultation with the Cambridgeshire County Council, to determine the feasibility of implementation. Whilst the condition requires the applicant to seek the feasibility of pedestrian and cycle link to the North of the site, there is no requirement for the applicant to implement such link should it be considered feasible.
- 8.5 The applicant has submitted a feasibility statement which explored 3 potential options for a northern access route. This included a methodology to identify and approach landowners utilising Sustrans (walking, wheeling and cycling charity, and the custodian of the National Cycle Network) framework for engaging with landowners to create a traffic-free route affecting their land.
- 8.6 Route 1 – Almoner’s Avenue. This proposed a combined cycle/pedestrian link to the Northwest of the site, consisting of a 3metre wide path. This would traverse land parcels at Almoners Avenue (39, and 39A). The applicant engaged directly with landowners (as seen in Appendix 4 of the Feasibility Statement – dated 7th February 2022). The affected landowners expressed strong opposition to the proposed path. The applicant poses that the only potential solution would be for the Council to

consider a public path creation order under S26 of the Highways Act 1980.

- 8.7 Route 2 – Beaumont Road. This proposed a combined cycle/pedestrian link to the Northeast of the site, along the edge of the playing fields of the adjoining Netherhall School, consisting of a 3metre wide path. This would traverse land in the ownership of Netherhall School (long term tenant, with Peterhouse College as the freeholder). The effected landowners (as seen in Appendix 6 of the Feasibility Statement – dated 7th February 2022) were contacted and expressed that they were unable to support the development of any link as this would pose a potential safeguarding issue. The applicant poses that the only potential solution would be for the Council to consider a public path creation order under S26 of the Highways Act 1980.
- 8.8 The applicant also considers the implications on the Green Belt which this land would sit in. This would require a separate planning permission and consideration of Green Belt policies.
- 8.9 Route 3 – The introduction of a link directly from the northern edge of the site through to Beaumont Road. This option was ruled out by the applicant as it would involve the acquisition of at least one existing dwelling, and due to there being no sufficient space between the properties, a partial or full demolition of that dwelling would then be required to accommodate a path. This was not considered a proportionate approach.
- 8.10 The feasibility statement has been considered and reviewed in consultation with the County Council Transport Assessment Team. It is considered that it would not be feasible to implement a northern pedestrian and cycle link by the applicant. As suggested a potential solution would be for the Council to consider a public path creation order under S26 of the Highways Act 1980. This is a county highways matter and fall outside the requirements of this application to discharge condition 35.
- 8.11 Officers are in agreement with the conclusions of the submitted feasibility statement. The adjoining landowners strongly oppose

the implementation of a link to Almoners' Avenue or Beaumont Road and are not willing to sell their land to the applicants to implement such a path.

Third Party Representations

- 8.12 The representations from 39 and 39a Almoners Avenue are acknowledged. Although the above residents have submitted objections to the implementation of the Almoners Avenue Link, this is the same as the officer recommendation. This is because it is not considered feasible to implement a link to Almoners Avenue.
- 8.13 The representations made by City Councillor Sam Davies, and County Councillor Alex Becket have expressed the need for the northern link and have called for the planning committee to discuss the submitted feasibility report to determine whether best efforts have been made (and to discuss the consequences of this and the implications for the compliance of GB1 with Policy 80).
- 8.14 Whilst these concerns are understood, the requirement of the condition only seeks the submission of a feasibility study for a northern link. There is no requirement for the applicant to implement such a link should it not be considered feasible.

9.0 CONCLUSION

- 9.0 It is considered that all reasonable endeavors have been undertaken by the applicant to explore the feasibility of implementing a link to Almoners Avenue or Beaumont Road and officers are in agreement with the submitted feasibility statement that concludes that implementing a link is not feasible.

10.0 RECOMMENDATION

APPROVE

1. Feasibility Statement - dated 7th February 2022 (By Litchfields)