



Planning Committee Date	06 June 2022
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	20/01972/COND35
Site	Netherhall Farm Worts Causeway Cambridge CB1 8RJ
Ward / Parish	Queen Edith's
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
Presenting Officer	James Truett
Reason Reported to Committee	Called-in by City Councillor Sam Davies, and County Councillor Alex Becket.
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Background2. Feasibility3. Third Party Representations
Recommendation	APPROVE Discharge of Condition

1.0 Executive Summary

- 1.1 The application seeks to discharge condition 35 of planning permission 20/01972/OUT.
- 1.2 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.
- 1.3 This application was deferred at Planning Committee on 20 April 2022 to (a) allow residents along the northern boundary of the site to be contacted about freeing up land for access; and (b) contact the County Council to ascertain whether surrounding land can be opened up allowing for site access thus enabling the possibility of a public creation order being available for pursuit.
- 1.4 The applicants have undertaken additional work to address the reasons for deferral by (i) engaging further with local residents, (ii) identified and engaged further with Netherhall school and the adjoining landowners, and (iii) engaging with Cambridgeshire County Council regarding the potential of a public path creation order.
- 1.5 The application is considered acceptable because all reasonable efforts have been undertaken by the applicant to seek the feasibility of a link to Almoners' Avenue or Beaumont Road. The condition only sought the applicant to look at the feasibility of a link/connectivity prospect; it does not require its delivery.
- 1.6 The adjoining landowners strongly oppose the implementation of the link to Almoners' Avenue or Beaumont Road none of whom are willing to sell their land to enable the path to be provided.
- 1.7 It is not considered reasonable to require the applicant to pursue arrangements requiring the provision of a path on land outside their ownership.
- 1.8 Officers recommend that the Planning Committee now acknowledge that the requirements of condition 35 have been met in so far as feasibility of a northern pedestrian/cycle has been explored. It is recommended that condition 35 be discharged in full, allowing the development to proceed without provision of any northern pedestrian and cycle access.

2.0 Site Description and Context

- 2.1 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.
- 2.2 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.
- 2.3 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. 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.
- 2.4 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.
- 2.5 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.

3.0 The Proposal

- 3.1 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.
- 3.2 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).
- 3.3 The applicant initially submitted a feasibility statement exploring the potential for connections via Almoners' Avenue, Beaumont Road, or Netherhall School.
- 3.4 Following deferral the applicant has undertaken further engagement with residents, Netherhall School and the landowner, as well as the County Council and an addendum to the feasibility statement has been provided.

4.0 Relevant 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)

5.0 Policy

5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 80: Supporting sustainable access to development

Policy 81: Mitigating the transport impact of development

6.0 Consultations

6.1 County Transport Team – No Objection

6.2 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 Third Party 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:

7.3 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.

8.0 Member Representations

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

8.2 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.

- 8.3 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

9.0 Assessment

9.1 Background

- 9.2 The officer recommendation for outline planning permission (20/01972/OUT) originally proposed the inclusion of condition 35. This was later excluded in a pre-committee amendment to the recommendation, as evidence was submitted on efforts that had been made to improve pedestrian and cyclist connectivity. Following discussion, the committee resolved to re-instate this condition. The intention of this was to ensure that sufficient efforts were taken by the applicants to secure a northern access. The outline planning permission was considered acceptable in planning terms without the northern pedestrian/cycle link, and no such link was indicated in the approved parameter plans. This site allocation policy in the local plan does not require provision of a northern access.

- 9.3 This application was deferred at planning committee on 20 April 2022 to (a) allow residents along the northern boundary of the site to be contacted about freeing up land for access; and (b) contact the county council to ask if surrounding land can be opened up allowing for site access thus enabling the possibility of a public creation order being available for pursuit.

- 9.4 Following the deferral at planning committee further work has been undertaken by the applicants, in the form of an addendum to the feasibility statement, to address the reasons for deferral. This includes evidence of engaging further with local residents, identified and engaging further with Netherhall school and the landowners, and engaging with Cambridgeshire County Council regarding public path creation order.

- 9.5 This application has been called into committee by City Councillor Sam Davies, and County Councillor Alex Beckett.

9.6 Feasibility

- 9.7 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.

- 9.8 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.
- 9.9 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.
- 9.10 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.
- 9.11 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.
- 9.12 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.
- 9.13 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. Section 26 allows a local authority to create a footpath, subject to approval by the Secretary of State, having regard to (in a case such as this) the benefits in terms of the convenience

of residents in the area, and the potential harms with regard to the effect on people with an interest in the affected land. This is a county highways matter and not something which can be progressed by the applicant, and as such falls outside the requirements of this application to discharge condition 35.

- 9.14 Following the deferral at planning committee the applicant team has conducted further engagement with local residents by undertaking a letter drop to consult 26no. relevant residents along Beaumont Road, 4no. relevant residents at Almoners Avenue, and 4no. residents at Bowers Croft. A map showing the notified neighbouring properties is included in the Addendum to the Feasibility Statement. These letters were issued on the 6th May 2022 and as of 14th June 2022 8 responses were received and no residents have expressed an interest in engaging further.
- 9.15 Further discussions have been held with Netherhall school, and the leadership team and governors continue to consider that they are unable to support the connection due to; loss of part of the school field, open boundary safeguarding issues, access issues to the school from this location, illumination for children's safety and appropriateness in the green belt. Peterhouse College, the title owner of the school site, has advised that its position is guided by the view of the school.
- 9.16 The applicant has engaged further with Cambridgeshire County Council Highways department, and a meeting was held on the 13th of June 2022 concerning a Public Path Creation Order, with Council Officers in attendance. The Project Delivery Team for cycling at the County Council confirmed that in their view, the only potential feasible route for a northern link was on the Northwest edge of the site through to Almoners' Avenue. It was established that, for the benefit of the wider community, there may prove sufficient public value to enter into a Compulsory Purchase Order (CPO) to deliver a cycleway in this location. This process is dealt with under a separate mechanism, Section 26 of the Highways Act 1980, and would be undertaken by a local authority and not the applicant.
- 9.17 Officers are in agreement with the conclusions of the submitted feasibility statement and the submitted Feasibility Statement Addendum. 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. Additionally, the creation of a path through the Public Path Creation Order is a matter for Cambridgeshire County council to consider whether to pursue under Section 26 of the Highways Act. Therefore, it is not considered feasible for the applicants to implement such a path.

9.18 Third party representations

- 9.19 The representations from 39 and 39a Almoners Avenue are acknowledged. The above residents have submitted objections to the implementation of the Almoners Avenue Link, which accords with the officer recommendation, as it is not considered feasible to implement a link to Almoners Avenue.
- 9.20 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).
- 9.21 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.

9.22 Recommendation

- 9.23 The requirements of condition 35 have been met and the feasibility of a northern pedestrian/cycle has been explored. It is recommended that:

-Condition 35 is **Discharged** in full, allowing the development to proceed without provision of any northern pedestrian and cycle access.