



## **Local Plan Examination Hearing Statement**

In respect of:

**Huntingdonshire District Council Local Plan 2011-  
2036**

**Matter 3 – Flood Risk**

**HLP2036-PS:435**

Author:

Andy Brand BSc (Hons) MA MRTPI  
Planning Director  
The Abbey Group Cambridgeshire Limited

My Ref: TAG/HDC01

## **1.0 Introduction**

- 1.1 The Abbey Group Cambridgeshire Limited (“Abbey”) is a property developer and land promoter based in Cambridgeshire who have submitted various schemes in Huntingdonshire ranging from renewable energy projects to residential and commercial schemes.
- 1.2 The Abbey Group is made up of a number of companies including Abbey Properties Cambridgeshire Limited. RPS are appointed to act for Abbey Properties Cambridgeshire Limited in relation to this examination in public and they will give evidence on Abbey’s behalf in relation to a range of matters.
- 1.3 I am the Planning Director of Abbey and have been in post for over 4 years. Prior to joining Abbey I was employed as a Development Management Team Leader at Huntingdonshire District Council between 2012 and 2014. I am a Chartered Town Planner with over 15 years of experience.
- 1.4 My statement refers only to flood risk matters and I have set out my evidence relative to each of the three flood risk questions that were included within the Matters and Issues Identified by the Inspector.

## 2.0 How has flood risk been taken into account in arriving at the strategy and distribution of growth?

### *Data and Modelling*

- 2.1 One of the key considerations here is FLO/02 (the Council's Strategic Flood Risk Assessment (SFRA)) which is clearly a key evidence document. Based upon our recent discussions with the Environment Agency (EA) (correspondence of which is included at **Appendix One**) it is apparent that EA considers that the data which has been used within FLO/02 is flawed and not fit for purpose.
- 2.2 JBA (who are the authors of the SFRA) have produced a note which seeks to explain the flaws within the modelling. The note is authored by Mr Kearney who reviewed the SFRA<sup>1</sup>.
- 2.3 Paragraph 15.4 of FLO/02 states that it should be updated on an annual basis to take account of new data. The concession by the EA that the SFRA Climate Change Model is flawed is, in my opinion, a major concern which requires thorough consideration as part of this Local Plan examination. It is understood that JBA are to produce a revised draft model later in 2018 (Autumn) but a formal update has yet to be provided. Given that flood risk is a key national planning policy consideration which materially effects site allocations it would, in my view, be prudent to, as a minimum, await the production of this new model before progressing the Local Plan examination further.
- 2.4 As shown at **Appendix One** the Environment Agency's letter dated 1<sup>st</sup> May 2018 categorically states that:

*The attached technical note produced by JBA is a result of an audit of the Lower Ouse SFRA Climate Change model runs and explains the issues discovered. These model runs were based completely on the original Lower Ouse model but included revised inflow hydrology in accordance with the new climate change allowances. Following the result of the investigation, the decision was made not to use the results of the Climate Change model runs for planning purposes as the results were not considered to be reliable without further work to the model.*

- 2.5 The Lower Ouse (or Downstream Ouse as it is referred to in Figure 5.1 of FLO/02) runs east-west through a central part of Huntingdonshire where there is a large amount of existing development. New development is also planned within the draft Local Plan in the Lower Ouse area (notably the Spatial Planning Areas of both Huntingdon and St Ives). Errors in the model therefore will inevitably lead to sites being considered favourably by the Council despite being at risk of flooding and vice versa.

### *Local Plan Strategy and Distribution of Growth*

- 2.6 The Draft Local Plan identifies flood risk as a key issue<sup>2</sup> in Section 3 of the plan. However the Strategy Approach at Section 4.2 of the plan is largely silent on flood risk – for example the Strategy Approach box does not refer to such matters.
- 2.7 Draft Policy LP2 also is silent in relation to flood risk matters – there is no recognition that new development should be steered away from locations at risk of flooding. It therefore

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<sup>1</sup> See unnumbered page 4 of the SFRA headed 'Contract'

<sup>2</sup> I note that a 2016 SFRA is referenced presumably in error of the 2017 SFRA

follows that there is no shaping of housing allocations having regard to the sequential test (see further comments below).

- 2.8 It is accepted that each of the four Market Towns within the District have evolved partly due to their relationship with rivers/water and therefore that it may be difficult for the Council to allocate all of its housing sites within Flood Zone 1 – however this should not negate the need to follow a fair and appropriate procedure under which to sequentially test sites within the District.
- 2.9 The strategy and distribution of growth has therefore had insufficient regard to flood risk considerations. It is noted that the EA consider the draft plan to not be sound<sup>3</sup> and that the Lead Local Flood Authority also raises concerns with the draft plan.

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<sup>3</sup> EA letter reference AC/2008/107417/CS03/PO2-L01

**3.0 What was the approach to the sequential and exception tests when considering the distribution of growth and site allocations? Has the sequential test been applied correctly? Is the approach justified and consistent with national policy? What concerns have been raised and what is the Council's response to these?**

*What was the approach to the sequential and exception tests when considering the distribution of growth and site allocations?*

3.1 It is evident from draft Policy LP2 that the sequential and exception tests have not been considered by the Council when considering the distribution of growth and therefore the site allocations do not take flood risk considerations fully into account. The fact that the SFRA relies upon modelling which the EA now finds to be flawed adds further concern in this regard.

*Has the sequential test been applied correctly?*

3.2 The sequential test has not been applied correctly by the Council having regard to two key points.

3.3 Firstly the allocation of sites (as shown via the table below paragraph 1.2 on page 19 of FLO/01) has been proposed in areas which include land within Flood Zone 3b. There has been no detailed assessment of alternative sites within Flood Zones 1, 2 or 3a. It appears, as seemingly validated by the comments at paragraph 5.2 of the Committee Report at **Appendix Two**, that the Council considers that all of its non-Flood Zone 1 allocations are acceptable either as they have 'history' or extant consents.

3.4 For example the Loves Farm Reserved Site (26% within Flood Zone 3b) was, as shown in paragraphs 7.2 and 6.10-7.12 of the report at **Appendix Three**, deemed acceptable owing it would appear to the draft allocation of the site within the Local Plan. That does not provide any justification for the allocation of the site within the draft Local Plan if in fact the sequential test has not been applied correctly within the draft Local Plan in the first place. It is clear that the Council's draft plan relies heavily upon residential allocations which are fully or substantially in flood zones 2 and 3. This point is reflected within the Council's own document FLO/01: particularly the summary table on page 18.

3.5 Insufficient evidence has been produced by the Council to demonstrate how flood zone 1 sites have been considered and excluded in favour of sites which, in some cases, are within the functional flood plain (Flood Zone 3b). The sequential test has seemingly not been rigorously applied.

3.6 Secondly the Council's SFRA only takes account of certain sites which were put forward by the Council. The timing of the SFRA (June 2017) meant that it preceded the Consultation Draft of the Local Plan and so it was undertaken after 5 previous versions of the plan which were the subject of public consultation. Some of those sites which were proposed to be allocated within the 5 previous versions of the draft Local Plan gained planning permission prior to June 2017 but, as noted above, the reliance for approving those schemes did not take account of the sequential test. The list in paragraph 13.2 of the SFRA includes reference to Alconbury Weald (proposed allocation SEL1.1); St Ives West (proposed allocation SI1); and Brampton Park (proposed allocation HU13). All of those sites had planning permission prior

to the SFRA being published in June 2017 and they account for allocations of 6,000 dwellings<sup>4</sup>.

- 3.7 The list of sites therefore was skewed by the development management system needing to deliver new housing in order to increase the supply of housing with the District. The Local Plan prior to June 2017 therefore proceeded without an SFRA<sup>5</sup> to support it. Whilst in any event the 2017 SFRA is flawed based upon its modelling (see above) the inputs of potential sites in to the SFRA was not undertaken on an objective and sound basis.
- 3.8 In short just because a site has been given planning permission it does not necessarily follow that it should be allocated if the draft Local Plan was incorrect in the first place.

*Is the approach justified and consistent with national policy?*

- 3.9 For the reasons set out above I do not consider that the Council's approach to flood risk is justified or consistent with national policy. However if the Council's position is accepted then it has to follow that, for future development management decision making purposes, the sequential test does not apply to land which is at risk of flooding within Flood Zones 2 and 3a. This is because the Council has allocated the Loves Farm Reserved Site, which is located within Flood Zone 3b, for housing within the draft Local Plan. Other Flood Zone 2 and 3 sites have similarly been allocated and in some instances granted planning permission.
- 3.10 Adopting this policy to other sites means that it is not necessary to apply the sequential and exception tests to sites at lower flood risk (so Flood Zones 2 or 3a).
- 3.11 Paragraph: 033 Reference ID: 7-033-20140306 confirms this is correct in that it states:

*For individual planning applications where there has been no sequential testing of the allocations in the development plan ...*

- 3.12 This confirms that where sequential testing has been undertaken as part of the Local Plan Allocations process then further assessment by applicants is not required if the circumstances are the same. So in this case where Flood Zone 3b land is being allocated for housing it is not then necessary to re-test Flood Zone 2 or 3a land as the Council has already accepted that land in those flood zones is required to be developed. Accordingly the requirement for a sequential test only applies to housing where it is proposed within Flood Zone 3b although this in itself is arguable given the Loves Farm Reserved Site draft housing allocation. Adopting a precautionary approach to this, and given that national guidance seeks to direct new development to land with the lowest risk of flooding within individual flood zones, land in Flood Zones 2 and 3a do not require sequential testing whereas Flood Zone 3b sites do. In all other areas such an assessment is not required as the Council themselves has already determined that the test has been satisfied.

*What concerns have been raised and what is the Council's response to these?*

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<sup>4</sup> Albeit I calculate that Brampton Park only has permission to date for 523 dwellings rather than the 600 which are allocated in the draft Local Plan and St Ives West only has permission to date for 215 dwellings rather than the 400 which are allocated in the draft Local Plan

<sup>5</sup> It is accepted that the 2010 SFRA was in situ but this pre-dates the NPPF and in my view its conclusions are materially different to the 2017 SFRA given, for example, the abundance of flood defences which have been installed in Huntingdonshire between 2010 and 2017

3.13 The concerns that have been raised are reflected within the Inspector's questions. I reserve the right to provide a further response at the examination depending upon the Council's response. The position of the EA should be clarified given that the model which informs the SFRA is, on the EA's omission, not fit for purpose.

#### **4.0 Is Policy LP5 justified, effective and consistent with national policy?**

4.1 For the reasons set out previously draft Local Plan Policy LP5 is not justified, effective or consistent with national policy.

4.2 To ensure that the policy is justified, effective and consistent with national policy the following is required in my view.

- i) Amendments to the SFRA such that its outputs can be relied upon by the Environment Agency, the Council and stakeholders;
- ii) A thorough and fair review of the draft allocations to reflect the SFRA findings together with a more detailed and fresh sequential sites assessment. I would re-iterate here that sites with Planning Permission already granted should not be artificially made to pass the sequential or exception tests;
- iii) In the event that the draft allocations remain following the application of items i) and ii) above then policy LP5 should be re-worded as follows<sup>6</sup>:

##### ***LP 5 Flood Risk***

##### ***Location of development***

*A proposal will ~~only~~ be supported where all forms of flood risk, including breaches of flood defences or other defence failures, have been SATISFACTORILY addressed, as detailed in the National Planning Practice Guidance and with reference to the Cambridgeshire Flood and Water Supplementary Planning Document (SPD), such that:*

- a. ~~the sequential approach and~~ sequential test IS APPLIED FOR RESIDENTIAL SITES LOCATED WITHIN FLOOD ZONE 3B AND FOR NON-RESIDENTIAL USES WITHIN FLOOD ZONES 2, 3A AND 3B ~~are applied~~ and passed, having regard to actual and residual flood risk and including consideration of the impact of climate change;*
- b. if necessary the exception test is applied and passed;*
- c. development has been sequentially located within the site to avoid flood risk;*
- d. all reasonable opportunities to reduce overall flood risk have been considered and where possible taken;*
- e. the integrity of existing flood defences is not adversely affected and any necessary flood mitigation and compensation measures have been agreed with relevant bodies and the Council; and*
- f. the requirements relating to flood risk set out in the Cambridgeshire Flood and Water SPD have been applied.*

*Any reliance on emergency services to make a proposal safe will not be acceptable. Safety risks will be determined with reference to the Defra guidance on flood risk safety FD2320 or successor guidance, on the basis that development should be 'safe for all' for a 1:1000 annual probability flood event, for the lifetime of the development.*

##### ***Previously developed land in defended areas***

*Where a proposal for redevelopment of Previously Developed Land (as defined in the*

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<sup>6</sup> New words added in CAPITALS – deleted words shown via ~~strike through~~

'Glossary') which benefits from flood defences is deemed appropriate following application of the sequential test (THE APPLICATION OF WHICH SHALL BE UNDERTAKEN AS PER A. ABOVE) and exception test it will be supported where:

*g. breach modelling has been completed to determine the residual risk in all instances for new vulnerable development; and*

*h. safe access and egress can be provided with approval from the emergency planning authority that there is no additional reliance on their services as a result of the development.*

### **Managing flood water**

*Where a proposal is considered to be acceptable within the 1% annual probability flood extent (flood zone 3), including an allowance for climate change for the lifetime of the development, the development must not result in a loss of flood storage capacity, reduced flow performance, increase the rate of flooding onset or result in an unsustainable form of flood storage requiring on-going silt removal, maintenance or renewal.*

*Where a proposal would occupy functional flood plain (flood zone 3b), the developer must ensure that it does not impact upon the ability of the floodplain to store or convey water, and seek opportunities to provide floodplain betterment. Development will only be support where it results in no loss of floodplain performance within the undefended floodplain.*

*Where ground levels are proposed to be raised to bring the development out of the floodplain compensatory floodplain storage within areas that currently lie outside the floodplain must be provided to ensure that the total volume and performance of floodplain storage is not reduced or vulnerability to climate change impacts increased.*

### **Site-specific flood risk assessments**

*On a site that is at risk of flooding from any form, where there are critical drainage problems or on sites of 1 hectare or more the proposal will ~~only~~ be supported where a site-specific flood risk assessment has been produced, appropriate to the scale and nature of the development and risks involved, including consideration of the impact of climate change, and is agreed with relevant bodies. Such assessments will need to demonstrate that they comply AS FAR AS REASONABLY PRACTICABLE with the requirements set out:*

*i. in the Cambridgeshire Flood and Water SPD or successor documents;*

*j. by any applicable responsible authority, including but not limited to the Environment Agency and Cambridgeshire County Council, as Lead Local Flood Authority; and*

*k. by the Middle Level Commissioners or internal drainage boards, as may be applicable.*

- 4.3 In the event that the draft allocations change following the application of points 1) and 2) above then the policy wording would need to be reviewed accordingly.

# **Appendix One**

**Environment Agency Letter and JBA Note regarding the  
Strategic Flood Risk Assessment**

Leigh Parratt  
Amazi  
Leigh@amazi.co.uk

**Our ref** EAn/2018/81613  
**Date** 01 May 2018

Dear Leigh

**Enquiry regarding Lower Ouse climate change model (Jba) data.**

Thank you for your enquiry which we received on 3<sup>rd</sup> April 2018.

We respond to requests under the Freedom of Information Act 2000 and Environmental Information Regulations 2004.

Having liaised with our technical team regarding your query about the data previously supplied, we can confirm the following:

**Lower Ouse SFRA Climate Change Runs**

The attached technical note produced by JBA is a result of an audit of the Lower Ouse SFRA Climate Change model runs and explains the issues discovered. These model runs were based completely on the original Lower Ouse model but included revised inflow hydrology in accordance with the new climate change allowances. Following the result of the investigation, the decision was made not to use the results of the Climate Change model runs for planning purposes as the results were not considered to be reliable without further work to the model.

**Stage Discharge Climate Change extrapolation method**

We cannot comment in detail on any proposed methodology for a specific site as would be covered by our charged pre-application service (£84/hour). If you wish to use this service, please contact our Sustainable Places team ([planning.brampton@environment-agency.gov.uk](mailto:planning.brampton@environment-agency.gov.uk)). That said, have the following general comments which you may find useful.

Where we do not have information on which to base an assessment of flood risk based on the revised climate change allowances, please follow the East Anglian External Climate Change Allowances Guidance. Please note that this document is just a guide and other methods may be considered to be acceptable with proper justification as part of a full Flood Risk Assessment, dependent on the nature and scale of the development.

Where a Stage-Discharge ('Intermediate') method is considered to be the most appropriate when extrapolating climate change levels, this can be achieved from several methods, depending on the data available. We would expect to see a full methodology to be included within the Flood Risk Assessment, including analysis of any assumptions made and how they may impact the extrapolated results. We would also expect a precautionary approach to be taken given the increased uncertainties within this approach.

**East Anglia Area**

Ipswich Office, Icen House, Cobham Road, Ipswich, Suffolk, IP3 9JD  
Brampton Office, Bromholme Lane, Brampton, Huntingdon, PE28 4NE  
General Enquiries: 03708 506506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
Website: <https://www.gov.uk/government/organisations/environment-agency>



Please get in touch if you have any further queries or contact us within two months if you would like us to review the information we have sent.

Yours sincerely

*S Clemens*

**Samantha Clemens**  
**Customers & Engagement Officer**

Customers and Engagement Team  
02030 255472

**East Anglia Area**

Ipswich Office, Icen House, Cobham Road, Ipswich, Suffolk, IP3 9JD  
Brampton Office, Bromholme Lane, Brampton, Huntingdon, PE28 4NE  
General Enquiries: 03708 506506

Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

Website: <https://www.gov.uk/government/organisations/environment-agency>

# TECHNICAL NOTE

JBA Project Code 2016s3683  
Contract EA Cambs & Beds Climate Change Mapping  
Client Environment Agency  
Day, Date and Time January 2018  
Author David Kearney  
Subject Modelling Approach and Assumptions



## 1 Introduction

In 2016/17, JBA were commissioned to undertake strategic flood risk assessments for:

- Huntingdonshire District Council;
- East Cambridgeshire District Council; and
- Central Bedfordshire Council.

As part of the studies, revised climate change flood risk data was required and the Environment Agency provided their hydraulic models for use in the studies.

### 1.1 Scope of work

The scope of work included:

- Project and data management
- Generating new model inflows for the climate change scenarios
- Running detailed models and checking results, including some simple fixes if models crash
- Mapping of model outputs

Where models did not run to completion due to the increases in flow required under the revised climate change guidance it was agreed that some simple fixes would be implemented but the scope of works did not include for large scale stabilisation of the models.

# TECHNICAL NOTE

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## 2 Models included in the study

### 2.1 East Cambridgeshire SFRA

- River Snail/ Soham Lode
- Cam Urban
- Cam Lodes
- Fenland
- MP1 - cut off channel (covers Lark and Little Ouse)
- River Kennett

### 2.2 Huntingdonshire SFRA

- Alconbury
- Downstream Lower Ouse
- Upstream Lower Ouse
- Godmanchester
- Brampton (2D only)
- St Ives (2d only)
- Bury Brook
- Barrack Brook
- River Kym
- Buckden (2D only)
- Ellington upstream (2D only)
- Kym Trib (2D only)
- Kym upstream (2D only)
- Little Paxton (2D only)
- Lower Goodwick (2D only)
- St Neots large (2D only)

### 2.3 Central Bedfordshire

- Ivel
  - Potton Brook
  - Flit
  - Barton LeClay
- 
- Leighton Buzzard
  - Upper upper Ouse
- 
- Elstow Brook (Middle Ouse)
  - Lower Middle Ouse (Middle Ouse)
- 

## 3 Approach

Models were run in the most appropriate version of the software available at the time of the study – this sometimes necessitated the models being run in slightly different releases of ISIS and TUFLOW compared to the original modelling.

# TECHNICAL NOTE

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## 4 Results

Model results were used to inform the SFRA process and given time constraints on delivery of the studies it was not possible to generate model results consistent with those of adjacent return periods in every location. The reasons for this are two fold:

- Different releases of the software have resulted in slight variations in results;
- Stability issues, notably in the 1D domains where these did not overly impact 2D results, were not investigated as thoroughly as would be required for a detailed modelling commission under WEM Lot 1.

Where there are inconsistencies in water levels between return periods it is advised that the higher water level from each of the return periods be presented as the water level for the given

# **Appendix Two**

## **Stirling Road, St Ives Planning Committee Report**

**Case No:** 17/01729/FUL (FULL PLANNING APPLICATION)

**Proposal:** PROPOSED DWELLING

**Location:** 18 STIRLING ROAD ST IVES PE27 3UU

**Applicant:** MR MIKE ELLIS

**Grid Ref:** 530989 273064

**Date of Registration:** 12.09.2017

**Parish:** ST IVES

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**RECOMMENDATION - APPROVE**

The application is reported to the Development Management Committee as St Ives Town Council has an opposing view to that of the officer recommendation which is to approve the application.

**1. DESCRIPTION OF SITE AND APPLICATION**

- 1.1 This application relates to land within the curtilage, and immediately to the north east of the property known as No. 18 Stirling Road, St Ives. Number 18 Stirling Road is a semi-detached two storey property of brick and tile construction, occupying a comparatively larger plot (in the context of the immediate area) at the end of an existing row of dwellings. The site is situated within a residential area to the north of St Ives town centre. Development in the immediate vicinity mainly consists of groups of semi-detached dwellings, with some terrace and detached dwellings found within the area as well.
- 1.2 The eastern boundary of the application site, close to the highway edge is defined by an established hedge and a 2 metre fence. There is a newly constructed parking area to the side of the dwelling (previously the front/side garden area) taking access from Stirling Road. A garage to the rear, north of the site is allocated to No. 18 Stirling Road.
- 1.3 Previously planning application ref: 16/00501/FUL for a dwelling on land adjacent to no. 18 Stirling Road was refused by officers on the 17th August 2016. The application was refused for the following 3 reasons:
1. Reason.  
The proposed development by virtue of its sitting and detached form would not respect or integrate sympathetically with the existing pattern of development in the immediate vicinity, causing harm to the character and appearance of the street scene, and the character of the wider area. The proposal is therefore contrary to the aims of policies H32 and En25 of the Huntingdonshire Local Plan (1995), emerging policy LP13 of the Huntingdonshire Draft Local Plan to 2036: Stage 3 (2013), Part 2 of the Huntingdonshire Design Guide (2007) and The National Planning Policy Framework (2012).

2. Reason.

This application does not comply with the requirements set out in paragraph 9 of the technical guide to the National Planning Policy Framework. All sources of flooding are not identified or compared with the site levels and mitigation. This application does not therefore provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. The proposal is therefore contrary to policies CS8 & CS9 of the Local Plan 1995 and Policy LP6 of the Local Plan - 2036 or the details found in the NPPF.

3. Reason.

The applicant has failed submit a satisfactory Unilateral Undertaking for Wheeled Bin contributions. The application therefore fails to make adequate provision for refuse, contrary to the provisions of the Developer Contributions Supplementary Planning Document 2011 and policy CS10 of the Adopted Huntingdonshire Core Strategy 2009.

- 1.4 Following this refusal, planning permission is again sought to subdivide the plot and create a new 3 bedroom detached dwelling on the land to the north east of the existing dwelling. The new dwelling would front onto the communal green amenity space at the front (south) of the site, and take access from Stirling Road. The revised proposed layout plan indicate that a section of the existing privet hedge (towards the rear) would be retained. The front section of the hedge next to where the entrance of the new dwelling would be, will be removed.
- 1.5 The proposed detached dwelling would be 5.4m x 9.9m (ground floor) 7.9m (first floor) and 6.9m to the ridge. The entrance to the building would be taken from the north east facing side elevation.
- 1.6 The site is not located in the designated conservation area for St Ives, nor are there any listed buildings in close to the site.
- 1.7 The site is located at the edge of a flood zone 3a on the SRFA 2017 maps. However the Environment Agency have, based on the applicants FRA, advises that the built footprint of the development should be considered for planning purposes only to be outside of Flood Zone 3.

## **2. NATIONAL GUIDANCE**

- 2.1 The National Planning Policy Framework (NPPF) (2012).
- 2.2 The NPPF sets out the three dimensions to sustainable development - an economic role, a social role and an environmental role - and outlines the presumption in favour of sustainable development. Under the heading of Delivering Sustainable Development, the Framework sets out the Government's planning policies for : building a strong, competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; promoting sustainable transport; supporting high quality communications infrastructure; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; protecting Green Belt land; meeting the challenge of climate change, flooding and coastal change; conserving and enhancing the natural environment; conserving and enhancing

the historic environment; and facilitating the sustainable use of minerals.

For full details visit the government website

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>

### **3. PLANNING POLICIES**

- 3.1 Saved policies from the Huntingdonshire Local Plan (1995)
  - H31: "Residential privacy and amenity standards"
  - H32: "Sub-division of large curtilages"
  - En25: "General Design Criteria"
  - T18: "Access requirements for new development"
  - CS9: "Flood water management"
- 3.2 Saved policies from the Huntingdonshire Local Plan Alterations (2002)
  - HL5 - Quality and Density of Development
- 3.3 Adopted Huntingdonshire Local Development Framework Core Strategy (2009)
  - CS1: "Sustainable development in Huntingdonshire"
  - CS3: "The Settlement Hierarchy"
  - CS10: "Contributions to Infrastructure Requirements"
- 3.4 Draft Huntingdonshire Local Plan to 2036: Proposed Submission 2017
- 3.5 Huntingdonshire's Local Plan to 2036: Proposed Submission 2017 was approved for publication at the Council meeting on the 13th December 2017. In view of the advancing stage of the Plan and the consistency of its policies with those in the National Planning Policy Framework, the policies in Huntingdonshire's Local Plan to 2036: Proposed Submission 2017 should be afforded significant weight.
  - Policy LP 1: "Amount of Development"
  - Policy LP2: "Strategy for development"
  - Policy LP4: "Contributing to Infrastructure Delivery"
  - Policy LP5 "Flood Risk"
  - Policy LP6 "Waste Water Management"
  - LP10: Small settlements
  - Policy LP12: "Design Context"
  - Policy LP13: "Design Implementation"
  - Policy LP14: "Placemaking"
  - Policy LP15: "Amenity"
  - LP16: "Surface Water"
  - Policy LP18: "Parking Provision and Vehicle Movement"
  - Policy LP33 " Trees, Woodland, Hedges and Hedgerows"
  - Policy LP36 "Heritage Assets and their setting"
- 3.6 Housing Supply Policies -

In order to satisfy the requirements of the NPPF to boost housing supply the Council must demonstrate an up-to-date five year supply of deliverable housing sites to meet its objectively assessed need, with an additional buffer to ensure choice and competition in the market for land; this requirement is set out in paragraph 47 of the

NPPF. Due to under delivery in recent years the buffer to be applied for the District is 20%. The December 2017 Annual Monitoring Review applies the 20% buffer and demonstrates that the Council has a five year supply of housing land.

- 3.7 The Development Plan policies relevant to the supply of housing (En17 and H23 of the Huntingdonshire Local Plan (HLP) and CS2 and CS3 of the Huntingdonshire Core Strategy (HCS)) were set against a lower Objectively Assessed Need figure such that strict application of these policies would result in failure to achieve the objectively assessed housing need figure that the Council currently has identified as part of the emerging Local Plan to 2036. These policies are therefore no longer fully up-to-date or consistent with the NPPF and, at this time and until the Council adopts the Local Plan to 2036 with up-to-date policies, the 'tilted balance' as set out within the 4th bullet point of para. 14 is engaged. For decision-taking this means granting permission in instances where the Development Plan is absent, silent or relevant policies are out-of-date unless any adverse impacts would significantly and demonstrably outweigh the benefits (having regard to the Framework policies taken as a whole), or specific policies of the Framework indicate development should be restricted. Footnote 9 to the Framework provides some examples of these restrictive policies, the most relevant in this case being "a location at risk of flooding"
- 3.8 Supplementary Planning Documents (SPD) and Guidance:
- Huntingdonshire Design Guide SPD (2017)
  - Huntingdonshire Townscape and Landscape Assessment SPD 2007
  - Developer Contributions SPD 2011
  - Cambridgeshire Flood and Water SPD 2017
  - Huntingdonshire Tree Guidance Note 3
  - December 2017 Annual Monitoring Review regarding housing land supply

Local policies are viewable at <https://www.huntingdonshire.gov.uk>

#### **4. PLANNING HISTORY**

- 4.1 **16/00501/FUL** - Proposed dwelling on land adjacent to no. 18 Stirling Road - Refused - 17th August 2016 - full reasons for refusal set out in the first section of this report.

#### **5. CONSULTATIONS**

- 5.1 **St Ives Town Council** - Recommend REFUSAL - The concerns regarding overdevelopment and impact on the street scene in the previous application have still not been addressed.
- 5.2 **Environment Agency** - Sequential Test - In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as

required by the Sequential Test in the Nation Planning Policy Framework.

*Officer response: The applicant has not submitted a sequential test, arguing that - The proposal will provide housing in an accessible and sustainable location and enable the more efficient use of land. In order to satisfy the requirements of the NPPF to boost housing supply the Council must demonstrate an up-to-date five year supply of deliverable housing sites to meet its objectively assessed need, with an additional buffer to ensure choice and competition in the market for land; this requirement is set out in paragraph 47 of the NPPF. Due to under delivery in recent years the buffer to be applied for the District is 20%. The December 2017 Annual Monitoring Review applies the 20% buffer and demonstrates that the Council has a five year supply of housing land. All proposed allocated sites (unless they have history or extant consents) are outside of Flood Zone 2 and 3.*

**Environment Agency - Review of Flood Risk Assessment -**

The Environment Agency have no objection to this application but strongly recommend that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (4745 FRA Rev A) are adhered to.

*Officer response: For full justification of the proposed development from a Flood Risk perspective, please refer to the detailed 'Flood Risk' section below.*

**6. REPRESENTATIONS**

- 6.1 There has not been any third party representations received in the response to the consultation

**7. ASSESSMENT**

**Background**

- 7.1 Previously, a planning application (ref: 16/00501/FUL) for a dwelling on land adjacent to no. 18 Stirling Road was refused by officers on the 17th August 2016. The application was refused for the following 3 reasons:

1. Reason.

The proposed development by virtue of its sitting and detached form would not respect or integrate sympathetically with the existing pattern of development in the immediate vicinity, causing harm to the character and appearance of the street scene, and the character of the wider area.

2. Reason.

This application does not comply with the requirements set out in paragraph 9 of the technical guide to the National Planning Policy Framework. All sources of flooding are not identified or compared with the site levels and mitigation. This application does not therefore provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.

3. Reason.

The applicant has failed submit a satisfactory Unilateral Undertaking for Wheeled Bin contributions. The application therefore fails to make adequate provision for refuse

- 7.2 Planning permission is again sought to subdivide the plot and create a new 3 bedroom detached dwelling on the land to the north east of the existing dwelling. The main changes between the latest application and the previously refused application can be summarised as follows:
- the applicant has commissioned up to date modelling to establish the actual flood level, taking into account the site specific topography of the immediate surrounding area
  - the applicant has submitted a satisfactory Unilateral Undertaking for Wheeled Bin contributions
- 7.3 The new dwelling would again front onto the green amenity space at the front (south) of the site, and take access from, Stirling Road. The rear section of the existing privet hedge would be retained, and new landscaping is proposed, including a new section of privet hedge as shown on the proposed plan.
- 7.4 Since the application was submitted the applicant has made the following changes:
- The amendments provided in drawings WD/2575/3 and WD/2575/4 relocate the front and rear building lines, and ridge and eaves heights to be in line with No. 18 and 20, with a 2m deep single storey extension to the rear.
  - Parking is now proposed at the rear (northwest of the rear garden) in a tandem arrangement as per Nos. 18 and 20 Stirling Road adjacent.
  - Additional windows (lounge, kitchen, and bedroom 2) have been introduced on the side gable elevation providing surveillance and activity towards Stirling Road and the front entrance.
  - The provision of a '1.8m boundary - dwarf wall with timber hit and miss upper section with buffer planting in front'
- 7.5 The report addresses the principal, important and controversial issues which are in this case are the principle of a new dwelling, housing provision, flood risk, the design, the impact upon the character and appearance of the area, the impact upon neighbouring properties and highway safety issues.

**Principle of Development:**

- 7.6 The NPPF advises that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF aims to deliver a high quality built environment and focus development in sustainable locations, with access to a choice of transport modes. Annex 2 of the NPPF does exclude private residential gardens from the definition of 'Previously Developed Land'. Paragraph 53 of the NPPF also states that LPAs should consider setting policies to resist inappropriate development of residential gardens where for example, development would harm the local area.
- 7.7 St Ives is identified as a Market Town in the adopted Core Strategy Settlement Hierarchy policy CS3. Market Towns are considered to be centres where development schemes of all scales may be appropriate within the built up area. Emerging Local Plan policy LP8 looks to support housing proposals where they are appropriately

located within the built-up area of an identified Spatial Planning Area settlement. However other Local Plan (1995) policies seek to resist the subdivision of sites where this will cause harm to the character of the locality.

- 7.8 The site is located in a residential area, and consists of the side garden area of 18 Stirling Road. The site is considered to be within the built-up area of St Ives when having regard to the criteria of adopted policy CS3 of the Core Strategy and therefore, there is in-principle policy support for residential development at the site.

### **Housing Provision**

- 7.9 With regards to the Council's housing supply position, the December 2017 Annual Monitoring Review applies the 20% buffer and demonstrates that the Council has a five year supply of housing land.
- 7.10 The policies relevant to the supply of housing (En17 and H23 of the Huntingdonshire Local Plan (HLP) and CS2 and CS3 of the Huntingdonshire Core Strategy (HCS)) were set against a lower Objectively Assessed Need figure. Therefore strict application of these policies would result in failure to achieve the objectively assessed housing need figure that the Council currently has identified as part of the emerging Local Plan to 2036, and these policies taken in isolation could be considered not to be up-to-date.
- 7.11 The NPPF therefore has a slightly more positive approach to housing development than the restrictive development plan policies on housing. Furthermore, an overarching aim of the NPPF is to significantly boost housing supply. As such there is an inconsistency with policies H23, En17 and CS3, and the thrust of the NPPF. In accordance with paragraph 215 of the NPPF, the weight to be given to these development plan policies should be reduced. Paragraph 14 of the NPPF requires that where relevant policies are out of date, permission should be granted 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 indicate development should be restricted.'

### **Flood Risk:**

- 7.12 The latest flood risk information is held with the Environment Agency. The Environment Agency has confirmed that they have no objection to the proposed development, and importantly, that the site, for planning purposes, should be considered to be within flood zone 2.. This is different to the Council's 2017 Strategic Flood Risk Assessment which identifies that the site is Flood Zone 3.
- 7.13 Policy LP5 of the Huntingdonshire Local plan 2036 proposed submission 2017, and the approach of paragraph 100 of the NPPF and its associated Planning Practice Guidance (PPG) is to direct development away from areas of high flood risk in the first instance. The National Planning Policy Framework sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed.

- 7.14 regards to Flood Risk, developers need to meet both the Sequential Test and FRA elements. The Environment Agency have no objection to the FRA on the understanding that the mitigation measures proposed in the submitted Flood Risk Assessment (FRA) (4745 FRA Rev A) are adhered to.
- 7.15 Notwithstanding the above, where development is proposed in areas of high or moderate probability of flooding (FZ3 and FZ2), the proposal must be sequentially assessed to identify through evidence whether there are other site(s) in lower areas of flood risk reasonably available to accommodate the proposal. It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used when making the application, in accordance with Policy LP5 of the draft Local Plan.
- 7.16 Indeed, in considering the previous application it was deemed that it did not comply with the requirements set out in paragraph 9 of the technical guide to the National Planning Policy Framework. Specifically the application did not provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development.
- 7.17 Since the previous refused decision, the applicant commissioned modelling to establish the actual flood level and the results are reflected in the submitted FRA. The conclusion of the FRA is that the site is not within flood zone 3; to put the flood risk in context, the depth of flooding for the 1 in 1,000 year modelled event (Zone 2) is at worst just 19mm. Furthermore, the FRA states that the proposal will have no loss of flood storage. It is also a simple fact that water falls away and always flows to lower levels. Having visited the site and taking into account the very site specific circumstances in this case, officers view is therefore that the site can only be in Flood Zone 2 if water flows uphill.. For this reason a sequential test is not required. Members are reminded that the 2017 SRFA is a very general assessment, it does not take into account very detailed topography of a site or flood protection measures which are in place.
- 7.18 It is therefore considered that the application complies with the requirements of policy LP5 of the Draft Huntingdonshire Local Plan to 2036: Proposed Submission 2017 and the sustainability aims of the NPPF as specified through paragraphs 100-103.

**Design and impact upon the character of the area:**

- 7.19 The locality is characterised by semi-detached dwellings in close vicinity to the site, some detached properties do exist on the wider estate. The dwellings are situated within reasonably sized gardens which are reflective of the size of the property.
- 7.20 Saved policy H32 of the Huntingdonshire Local Plan (1995) allows for the subdivision of large residential curtilages 'where the resultant dwelling and its curtilage will be of a size and form sympathetic to the locality'. In addition, saved Local Plan policy En25 requires

development to generally respect the scale, form, materials and design of established buildings in the locality of the application site and where appropriate make adequate provision for landscaping and amenity areas.

- 7.21 The proposed dwelling would be of a similar footprint to its neighbour, 18 Stirling Road, albeit with a slightly larger depth. Furthermore, officers consider that the development proposed would make efficient use of the land and that this would not be at the expense of the character and appearance of the area.
- 7.22 Accordingly officers consider that the proposal conforms to the aims of policies H32 and En25 of the Huntingdonshire Local Plan (1995), emerging policies LP12 and LP13 of the Huntingdonshire Local Plan to 2036: Proposed Submission (2017), the Huntingdonshire Design Guide (2017) and The National Planning Policy Framework (2012).

**Neighbour amenity:**

- 7.23 Policy H31 of the Local Plan expects development to only be permitted where appropriate standards of privacy and amenity can be maintained. Emerging policy LP15 of the Huntingdonshire Local Plan to 2036 follows this theme.
- 7.24 The new detached building would be positioned one metre to the east of No. 18 Stirling Road, and 17 metres from the nearest dwelling to the north west of the site. There are no openings proposed on the flank wall of the proposed new building facing No. 18 Stirling Road, therefore, no significant harmful overlooking or loss of light would occur as a result of the proposed development. The one window in the first floor side elevation of No. 18 Stirling Road (that would be significantly impacted on as a result of this development) would appear to be a bathroom window, or secondary bedroom window.. Aside from a two metre single storey element to the rear; the proposed new dwelling would be in line with No. 18 Stirling Road, thus ensuring the current privacy levels in enjoying the garden space of this property would be maintained.
- 7.25 No.16 Stirling Road is set to the North West, and some 17 metres away from the proposed new dwelling. No 16 Stirling Road has one upper floor window in the flank wall with the site, which appears to serve a landing, or non-habitable room. The distances between the proposed dwelling and No. 16, along with the lack of windows serving habitable rooms should ensure the privacy levels currently enjoyed by No. 16 Stirling Road are maintained.
- 7.26 The distances and relationship between the existing dwellings in the locality, and the proposed new dwelling, is likely to preserve the amenity levels in terms of over shadowing and the new building becoming over bearing in nature.
- 7.27 The proposal is considered to be acceptable in terms of neighbour amenity, and if the application were to be approved the aims of policy H31 and policy LP15 secured.

## **Highway Safety:**

- 7.28 The plan submitted shows parking within the application site for two vehicles. Neither the policies within the Development Plan nor the policies within the emerging Local Plan to 2036 (2017) provide specific parking standards for development. In this instance, the provision of two parking spaces for the scale of development proposed is considered acceptable. Two parking spaces are maintained at the rear of the site for No. 18 Stirling Road.
- 7.29 The site is accessed from Stirling Road which is not a classified road, as such a dropped kerb does not require planning consent from the LPA. Other than the indication of a visibility splay next to the tandem parking space on the proposed layout plan, there has been no technical drawing submitted to indicate the visibility splays are safe in highway safety terms, however, it would appear that a parking area has already been constructed to the front/side of the existing dwelling using permitted development rights (this parking area will be removed, and garden reinstated, as part of the proposed development). Putting aside the fact that the applicant has not provided technical drawings to demonstrate safe visibility splays, in light of the above, it would be unreasonable to refuse the application on the basis of highway safety.

## **Other Matters**

### Planning Obligations:

- 7.30 The Infrastructure Business Plan 2013/2014 (2013) was developed by the Growth and Infrastructure Group of the Huntingdonshire Local Strategic Partnership. It helps to identify the infrastructure needs arising from the development proposed to 2036 through the Core Strategy
- 7.31 Statutory tests set out in the Community Infrastructure Regulations 2010 (Regulation 122) require that S106 planning obligations must 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
- 7.32 S106 Obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.
- 7.33 The application is accompanied by provision for wheeled bins in the form of a Unilateral Undertaking (UU).
- 7.34 The UU meets the three tests of being 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 as required by the Community Infrastructure Levy Regulations, 2010. In other cases, Planning Inspectors have agreed that a UU is reasonable and meets the tests set out in the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010, for example in appeal decisions relating to 1301676FUL (see paragraph 3 of the decision) and 1400078FUL (see paragraphs 20-21 of the decision).

- 7.35 The proposal therefore complies with the requirements of the NPPF and CIL regulations and Policy CS10 of the Core Strategy 2009 and the requirements of the Developer Contributions Supplementary Planning Document 2011.

**Community Infrastructure Levy (CIL):**

- 7.36 As this planning application is for a minor development, the development will be CIL liable in accordance with the Council's adopted charging schedule; CIL payments will cover footpaths and access, health, community facilities, libraries and lifelong learning and education.

**Conclusion and Planning Balance**

- 7.37 The NPPF has at its heart the presumption in favour of sustainable development. To be sustainable, development must, as noted in paragraph 6 of the NPPF, strike a satisfactory balance between the economic, environmental and social considerations.

- 7.38 In terms of the economic dimension of sustainable development, the proposal would contribute towards economic growth, including job creation - during the construction phase and in the longer term through the additional population assisting the local economy through spending on local services / facilities.

- 7.39 In terms of the environmental dimension of sustainable development, it has been demonstrated that the development would not put the future occupants of the property at a higher risk of flooding, and would not harm the character of the area

- 7.40 In terms of the social dimension, the site appears to have no significant constraints and is deliverable. It would also increase the supply of market housing although limited weight has been given to this benefit since the Council can demonstrate a five year supply of housing land.

- 7.41 Having fully assessed all three dimensions of sustainable development; economic, environmental and social within this report it is concluded that the development of this site -
- is within the built-up area of St Ives where infill development is acceptable in principle
  - Provide a design of development that is acceptable
  - Not cause significant detrimental impact to residential amenity
  - Provide acceptable parking provision
  - Manage flood risk and drainage effectively
  - Have no significant adverse impacts on features of landscape or ecological value
  - Provide appropriate infrastructure to meet the needs generated by the development through wheeled bin provision

- 7.42 For these reasons, the proposal is considered to constitute sustainable development and accords with the Development Plan. There are no overriding material considerations that indicate that permission should not be granted in this instance and the application

is therefore recommended for approval subject to the stated planning conditions.

**8. RECOMMENDATION - APPROVAL** subject to conditions to include the following

- 3 year timescale
- Approved plans
- Materials
- Hard and soft landscaping
- Boundary treatments
- Removal of all PD rights
- Development in accordance with FRA
- Provision of parking spaces prior to occupation of dwellings
- Retain all parking spaces for parking
- Bin and cycle enclosure details and provision prior to occupation

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**CONTACT OFFICER:**

Enquiries about this report to **Mr Andrew Cundy Development Management Team Leader 01480 388370**

# Development Management Committee

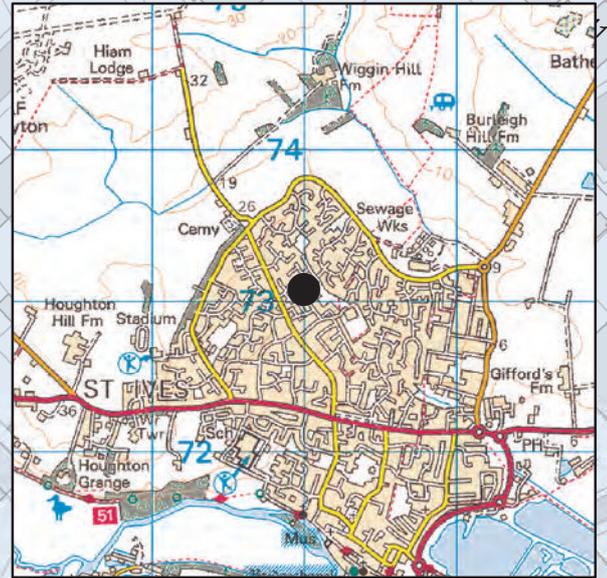
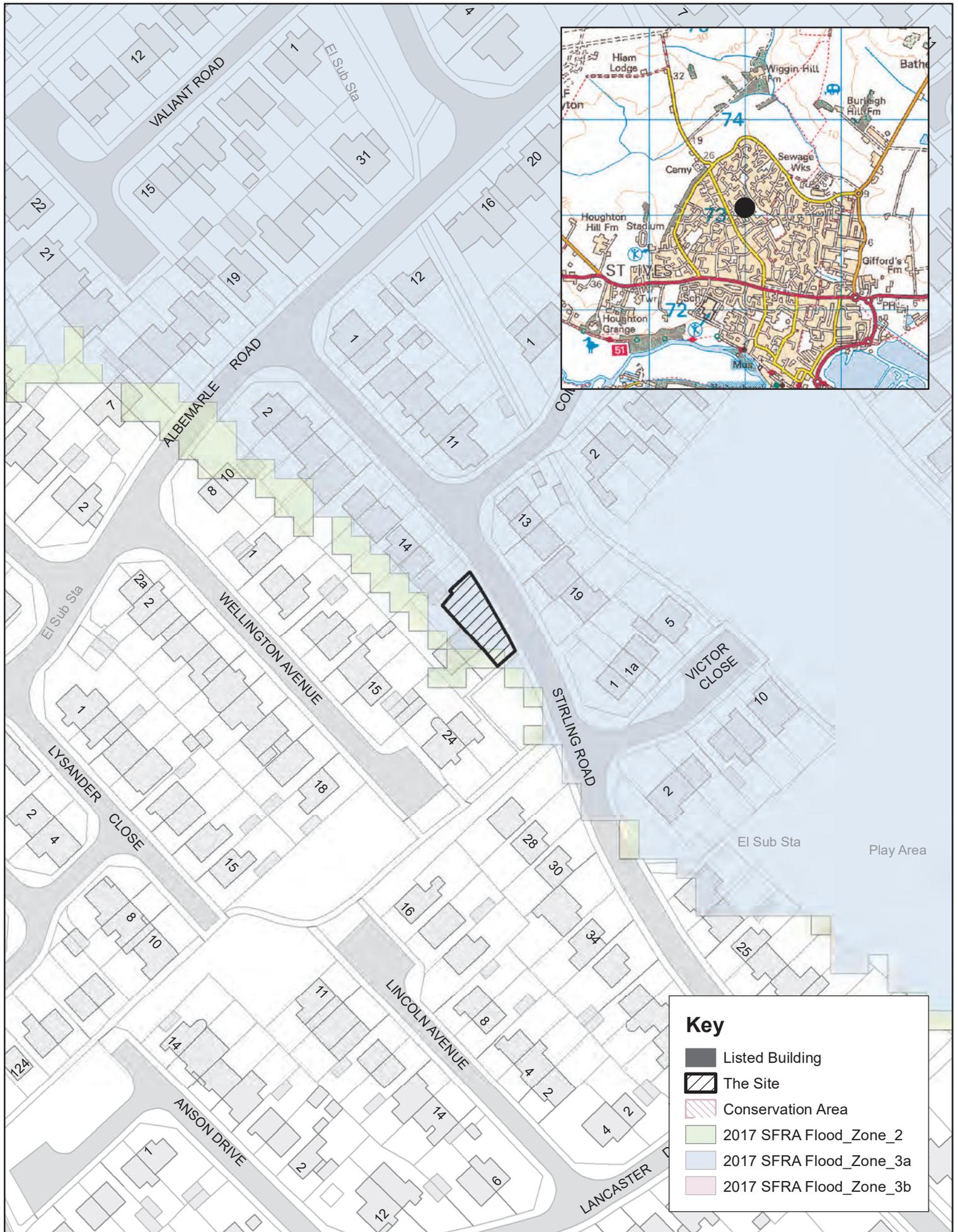


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Application Ref: 17/01729/FUL

Date Created: 09/05/2018

Location: St Ives



**Key**

- Listed Building
- The Site
- Conservation Area
- 2017 SFRA Flood\_Zone\_2
- 2017 SFRA Flood\_Zone\_3a
- 2017 SFRA Flood\_Zone\_3b

# **Appendix Three**

## **Loves Farm Reserved Site Planning Committee Report**

**Case No:** 1300389OUT (OUTLINE APPLICATION)

**Proposal:** ERECTION OF 41 DWELLINGS ACCESSED FROM EXISTING ACCESS ON DRAMSELL RISE

**Location:** LAND AT JUNCTION OF DRAMSELL RISE AND CAMBRIDGE ROAD ST NEOTS

**Applicant:** GALLAGHER ESTATES

**Grid Ref:** 519797 260335

**Date of Registration:** 19.03.2013

**Parish:** ST NEOTS

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**RECOMMENDATION - APPROVE**

**1. ADDENDUM REPORT**

- 1.0 Members resolved to approve this application, at a DMP meeting on the 17th March 2014, (please see green papers attached). Subject to the S106 being agreed which would make provision for
- 40% affordable housing
  - A sum of £25,315.00 to make improvements to a footpath/bridge to connect the site with the adjacent amenity space
- 1.1 The S106 is about to be agreed with the provision of 40% affordable housing as set out in the report, and agreed by Members in 2014. However, during the preparation of the S106 it came to light that the agreed sum of £25,315.00 to make provision for the footpath/bridge had been underestimated. In addition the negotiation failed to include a contribution toward maintenance of the bridge. More critically though, the Council Operations team are not, due to cost of long term maintenance, currently in a position to adopt any further open spaces.
- 1.2 The SPD for developer contributions makes it clear that if open space cannot be provided within the site, a scheme/project outside the site and in the locality should be sought. This is in line with planning law which states such a contribution should meet the following tests
- relevant to planning;
  - necessary to make the proposed development acceptable in planning terms;
  - Directly related to the proposed development;
  - Fairly and reasonably related in scale and kind to the proposed development; and
  - Reasonable in all other respects
- 1.3 In an attempt to resolve the above issue and further to detailed consultation with the Council's Operations Team, it has been

confirmed that there are no open space schemes/projects in close proximity to the site to justify such a contribution.

- 1.4 Notwithstanding the above it is acknowledged that
- the open space in question can be accessed via the roadway that is in place
  - there appears to be an over provision for open space in the wider Loves Farm development.
- 1.5 Taking into account points 1 and 2 it is considered that, in this instance, the application can be approved without the provision of a bridge or additional open space either within the site or in the wider area of Loves Farm.
- 1.6 Members are therefore requested to agree to revise the S106 legal agreement to accompany the approved development without the requirement to provide a bridge or additional open space either within the site or in the wider area of Loves Farm.

**2. RECOMMENDATION – APPROVAL** subject to the prior completion of a S.106 Agreement relating to affordable housing and travel plan as detailed above, and conditions to include those listed below:

- Details reserved minus access
- Plans and particulars in writing
- Reserved matters within three years
- Dates for commencement
- Highways
- Surface water drainage strategy
- Watercourse scheme
- Surface water
- Flood and pollution
- Foul water
- Fire hydrant details
- Secured by design scheme (security)
- Travel plan
- Contamination
- Materials samples
- Landscaping

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**CONTACT OFFICER:**

Enquiries about this report to **Linda Walker Development Management Officer 01480 388411**

# Development Management Panel



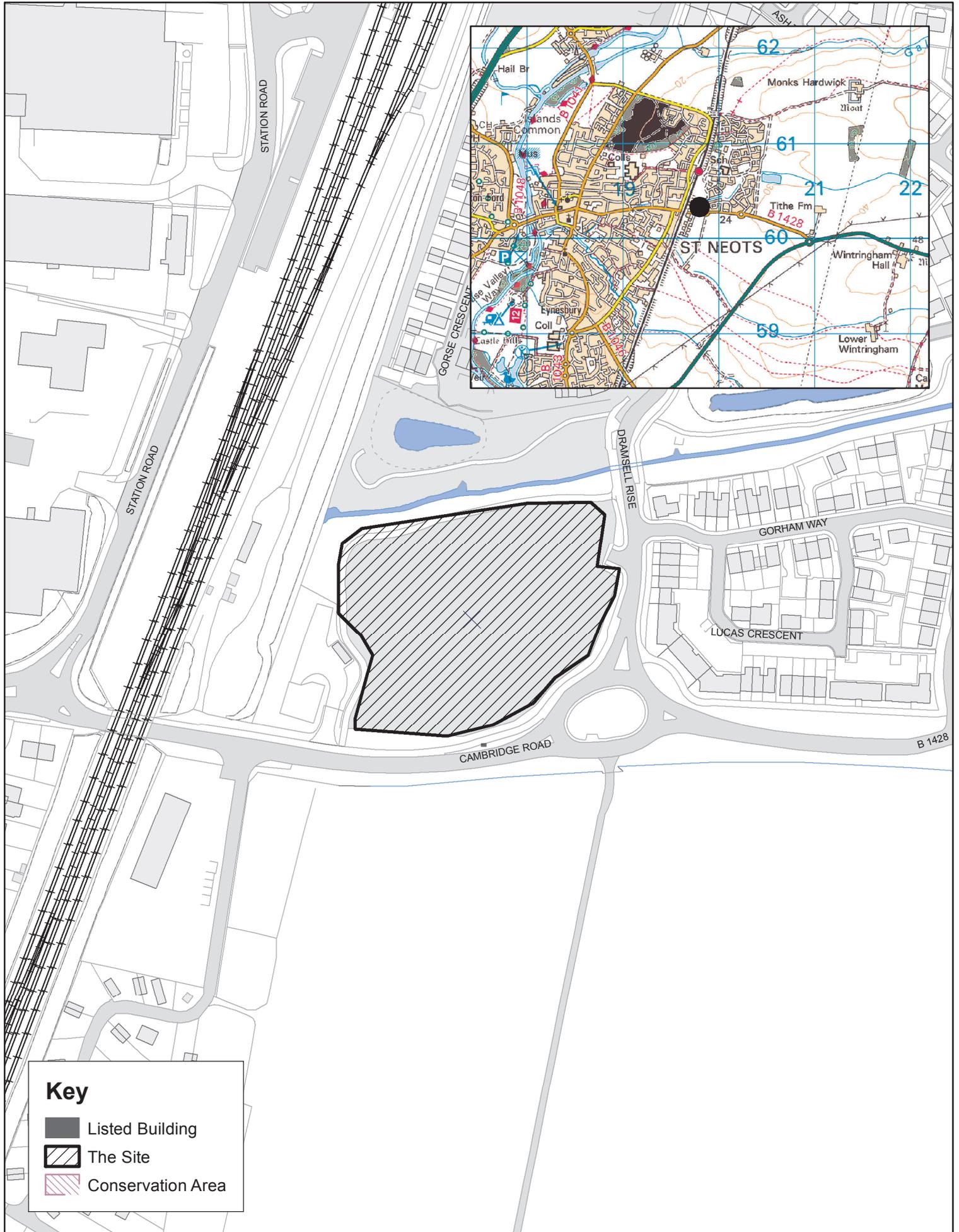
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Application Ref:13/00389/OUT

Date Created: 01/08/2016

Location:St Neots

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Ordnance Survey HDC 10002232



## Key

- Listed Building
- The Site
- Conservation Area

**GREEN PAPERS FOLLOW**

**Case No:** 1300389OUT (OUTLINE APPLICATION)

**Proposal:** ERECTION OF 41 DWELLINGS ACCESSED FROM EXISTING ACCESS ON DRAMSELL RISE

**Location:** LAND AT JUNCTION OF DRAMSELL RISE AND CAMBRIDGE ROAD

**Applicant:** GALLAGHER ESTATES

**Grid Ref:** 519797 260335

**Date of Registration:** 19.03.2013

**Parish:** ST NEOTS

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**RECOMMENDATION - APPROVAL**

**1. DESCRIPTION OF SITE AND APPLICATION**

- 1.1 This application relates to a site that is located in the south western corner of the wider Loves Farm development. The Cambridge Road is located directly south, and a public footpath runs along the north and western edge of the site. The site occupies an area of 1.03ha of vacant land and is bordered to the west by the East Coast Main Line. The access to the site is via Dramsell Rose, which links to Cambridge Road.
- 1.2 The site is located on land liable to flooding and is within the Environment Agencies Flood 2 and partly in flood zone 3.
- 1.3 Planning permission is sought in outline for 41 dwellings, with the access only to be considered. The site will be accessed from Dramsell Rise.
- 1.4 The design and access statement has been amended to show the updated plans based on comments received from the Local Planning Authority with regard to parking provision and unallocated parking spaces. Some design principles have been amended; however, as the application is to consider the access only, the plans are indicative only, in terms of design.

**2. NATIONAL GUIDANCE**

- 2.1 The National Planning Policy Framework (2012) sets out the three dimensions to sustainable development - an economic role, a social role and an environmental role - and outlines the presumption in favour of sustainable development. Under the heading of Delivering Sustainable Development, the Framework sets out the Government's planning policies for: building a strong, competitive economy; ensuring the vitality of town centres; supporting a prosperous rural economy; promoting sustainable transport; supporting high quality communications infrastructure; delivering a wide choice of high

quality homes; requiring good design; promoting healthy communities; protecting Green Belt land; meeting the challenge of climate change, flooding and coastal change; conserving and enhancing the natural environment; conserving and enhancing the historic environment; and facilitating the sustainable use of minerals.

2.2 National Planning Policy Framework (2012) Technical Guidance in relation to floods.

2.3 CLG guidance, 'Preparing for Floods'.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

### **3. PLANNING POLICIES**

Further information on the role of planning policies in deciding planning applications can also be found at the following website [www.gov.uk](http://www.gov.uk)

3.1 Huntingdonshire Local Plan (1995) Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at [www.huntingdonshire.gov.uk/localplan95](http://www.huntingdonshire.gov.uk/localplan95)

- CS8: "Water" - satisfactory arrangements for the availability of water supply, sewerage and sewage disposal facilities, surface water run-off facilities and provision for land drainage will be required.
- CS9: "Flood water management" - the District Council will normally refuse development proposals that prejudice schemes for flood water management.
- H31: "Residential privacy and amenity standards" - indicates that new dwellings will only be permitted where appropriate standards of privacy can be maintained and adequate parking provided.
- En2: "Character and setting of Listed Buildings" - indicates that any development involving or affecting a building of architectural or historic merit will need to have proper regard to the scale, form, design and setting of that building.
- En18: "Protection of countryside features" - Offers protection for important site features including trees, woodlands, hedges and meadowland.
- En20: "Landscaping Scheme" - Wherever appropriate a development will be subject to the conditions requiring the execution of a landscaping scheme.
- En25: "General Design Criteria" - indicates that the District Council will expect new development to respect the scale, form, materials and design of established buildings in the locality and make adequate provision for landscaping and amenity areas.

- H37: "Environmental Pollution" – housing development will not be permitted in locations where there is a hazardous installation posing a substantial risk to the public.
- T18: "Access requirements for new development" states development should be accessed by a highway of acceptable design and appropriate construction.
- R7 "Land and Facilities" – For new residential development of 30 dwellings or more (or 1.2ha), in addition to the provision of children's casual and equipped play space, the District Council will normally seek the provision of (or equivalent contribution towards) formal adult and youth play space.
- R8 "Land and Facilities" – consideration will be given to the acceptance of contributions from developers towards improving recreational facilities in the vicinity of the site to off set recreational requirements sets out in R7.

3.2 Huntingdonshire Local Plan Alterations (2002) Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at [www.huntingdonshire.gov.uk/localplan](http://www.huntingdonshire.gov.uk/localplan) - Then click on "Local Plan Alteration (2002)

- HL5 - Quality and density of development - sets out the criteria to take into account in assessing whether a proposal represents a good design and layout.
- HL6 - Housing Density - indicates that housing development shall be at a density of 30-50 dwellings per hectare
- HL10 - Housing Provision - in the district should reflect the full range of the local community's needs by ensuring a choice in new housing.
- OB2 – Maintenance of Open Space – contributions may be sought for the maintenance of small areas of open space, children's play space and recreational facilities, woodland or landscaping to benefit the development.

3.3 Policies from the Adopted Huntingdonshire Local Development Framework Core Strategy 2009 are relevant and viewable at [www.huntsdc.gov.uk](http://www.huntsdc.gov.uk) click on Environment and Planning then click on Planning then click on Planning Policy and then click on Core Strategy where there is a link to the Adopted Core Strategy.

- CS1: "Sustainable development in Huntingdonshire" - all development will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered, including design, implementation and function of development.
- CS3: "The Settlement Hierarchy" – Identifies St Neots, as a Market Town in which development schemes of all scales may be appropriate in built up areas.

- CS4: "Affordable Housing in Development" - a target of 40% of all housing on proposals of 15 or more homes or 0.5ha, in all parts of the District should be affordable.
- CS10: "Contributions to Infrastructure Requirements" – proposals will be expected to provide or contribute towards the cost of providing infrastructure and of meeting social and environmental requirements, where these are necessary to make the development acceptable in planning terms.

3.4 The following policies from the Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013) are relevant:

- Policy LP1: "Strategy and principles for development" - Development proposals will be expected to: amongst other matters
  - a. prioritise the use of previously developed land in accessible locations;
  - c. make efficient use of land, buildings and infrastructure within existing settlements whilst preserving local character and distinctiveness;
  - e. maximise opportunities for use of public transport, walking and cycling;
  - i. reduce water consumption and wastage, minimising the impact on water resources and quality and managing flood risk; and
  - j. protect and enhance the historic environment and the range and vitality of characteristic landscapes, habitats and species.
- Policy LP2: "Contributing to Infrastructure Delivery" - A proposal will be supported where it makes appropriate contributions towards the provision of infrastructure, and of meeting economic, social and environmental requirements through CIL and Planning Obligations.
- Policy LP3: "Communications Infrastructure" - A proposal including homes, employment or main town centre uses will support and help implement the aims and objectives of the 'Connecting Cambridgeshire' broadband initiative.
- Policy LP6: "Flood risk and water management" - Outlines the considerations for the acceptability of development in relation to the risk of flooding, including the implementation of sustainable drainage systems (SuDS).
- Policy LP 8 - Development in the Spatial Planning Areas

Four Spatial Planning Areas (SPAs) have been defined in Huntingdonshire including:

St Neots Spatial Planning Area comprises St Neots and Little Paxton. St Neots is the primary settlement within this SPA.

A series of sites are allocated for development in this plan in order to achieve the spatial strategy. In addition to these other proposals will be supported where they are in accordance with policies of this plan and the following requirements.

## Residential Development

A proposal which includes housing, including residential institution uses or supported housing, will be supported where it is appropriately located within the built-up area of an identified SPA settlement.

- Policy LP13: "Quality of Design" - A proposal will need to be designed to a high standard based on a thorough understanding of the site and its context. A proposal for homes will be expected to demonstrate how they achieve the criteria of the 'Building for Life' standard or equivalent successor standards in order to achieve high quality development.
- Policy LP15: "Ensuring a High Standard of Amenity" - A proposal will be supported where a high standard of amenity is provided for existing and future users and residents of both the surroundings and the proposed development.
- Policy LP17: "Sustainable Travel" - A proposal will be supported where it is demonstrated that: a. opportunities are maximised for the use of sustainable travel modes; b. traffic volumes can be accommodated and will not cause significant harm to the character of the surrounding area; c. any adverse effects of traffic movement to, from and within the site including the effect of car parking is minimised; d. a clear network of routes is provided that provides connectivity and enables ease of access, to, around and within the proposal and with the wider settlement for all potential users, including those with impaired mobility; and e. safe and convenient pedestrian and cycle routes, including links to new and existing services, facilities, footpaths, bridleways and the countryside are provided where appropriate and if possible formalised as rights-of-way.
- Policy LP18: "Parking Provision" - A proposal will be supported where it incorporates appropriately designed vehicle and cycle parking with a clear justification for the level of provision proposed, having regard to:
  - a. the potential to increase the use of alternative transport modes including public transport, walking and cycling; highway safety;
  - b. servicing requirements;
  - c. the needs of potential users; and
  - d. the amenity of occupiers of nearby properties.
- Policy LP24: "Housing Mix" - Proposal for housing will be supported where the sizes, types and tenures of housing responds to advice and guidance listed in the policy and all new-build homes will be expected to comply with Lifetime Homes standards or successor standards.
- Policy LP25: "Affordable Housing Provision" - a target of 40% of all housing should be affordable where the scheme includes 10 or more homes or 0.3ha or more of land for housing development.  
Affordable and market housing should be integrated across the scheme. The affordable housing provision should seek to meet

identified affordable housing need in the district. The target is 70% of new units as social or affordable rented properties. An alternative dwelling or tenure mix or a lower level of provision may be supported where it can be demonstrated that the target is not viable.

- Policy LP 29: "Trees, Woodland and Related Features" - A proposal will be supported where it avoids the loss of, and minimises the risk of harm to trees, woodland, hedges or hedgerows of visual, historic or nature conservation value.
- Policy LP 30: "Open Space" - Proposals will be expected to include open space as set out in the Developer Contributions Supplementary Planning Document or successor documents and to provide or improve connections to open spaces and green infrastructure nearby. Proposal should seek to avoid the whole or partial loss of an area of open space, an outdoor recreation facility, area of garden land or allotment that meet specific criteria. Where such loss is unavoidable the proposal will be expected to include appropriate mitigation and/or compensation.

- Policy LP 31 Heritage Assets and their Settings

Great weight is given to the conservation of any heritage asset; more weight is accorded to assets of greater significance.

A proposal which affects the special interest or significance of any heritage asset or its setting must demonstrate how it will conserve, and where appropriate enhance, the asset. Any harm must be fully justified and this harm will be weighed against the public benefit of the proposal. Substantial harm or loss will require exceptional justification. Harm to assets of the highest significance will require wholly exceptional justification.

A proposal will be required to show that:

- a. it has clearly identified all the heritage assets affected by the proposal and their special interests and significance, this is to be set out in a heritage statement;
- b. the design, siting, scale form and materials of any proposed development will be sympathetic to the special interests and significance of the heritage asset;
- c. it would not have an adverse impact on views of or from the heritage asset or of the open spaces, trees or street scene which contribute positively to any heritage assets and their setting;
- d. it clearly sets out how any alterations preserve the interests of a listed heritage asset; and

where demolition of a heritage asset is proposed a feasibility study will be required to assess the potential for retention and reuse of the heritage asset and the case of demolition is clearly and convincingly justified. Where demolition is justified the developer will be required record the asset before demolition takes place.

- Proposed Allocation (Housing) SN1 – Loves Farm Reserved Site, allocated residential development for approximately 41 dwellings.

- 3.5 Supplementary Planning Documents:
- Huntingdonshire Design Guide SPD (2007)
  - Huntingdonshire Landscape and Townscape Assessment SPD (2007)
  - Developer Contributions SPD (2011)

Local policies are viewable at <https://www.huntingdonshire.gov.uk>

#### 4. PLANNING HISTORY

- 4.1 In 2001 outline consent was granted for housing, mixed use with supporting infrastructure on a site of 63 hectares under planning ref: 0101550OUT. The site is now known as Loves Farm. This site was included in the original outline consent site.

#### 5. CONSULTATIONS

- 5.1 **St Neots Town Council – Recommend the application is refused;** suggestion is made that the land should be used for car parking before changing the use to commercial or employment use. (COPY ATTACHED)
- 5.2 Cambridgeshire Fire and Rescue: No Objection subject to a condition being imposed to ensure adequate fire hydrants are provided.
- 5.3 Environment Agency: No objection subject to suitable conditions being imposed with regard to surface water drainage, full details of a watercourse study, and foul drainage details
- 5.4 County Highways: No objection
- 5.5 Transportation Team Assessment Team – No objection, subject to the amendments being made to the Loves Farm Travel Plan being secured by S106 agreement
- 5.6 Highways Agency: have not objected to the scheme
- 5.7 Cambridgeshire Constabulary: No objection to the proposal subject to an informative being to ensure the development achieves the principles of 'secured by design'
- 5.8 National Grid: Have not objected to the scheme.
- 5.9 HDC Environmental Health Team: No objection to the proposal, subject to a suitable condition being imposed to ensure an assessment is made of the nature and extent of contamination.
- 5.10 HDC Operations Team – No objection subject to a S106 agreement being agreed to make provision for a connection bridge over the brook, and associated works.

## **6. REPRESENTATIONS**

- 6.1 No third party representations have been received in response to the proposal

## **7. SUMMARY OF ISSUES**

- 7.1 This proposal for 41 dwellings has been submitted as an outline application, with all matters reserved apart from the access. The main issues are the principle of a housing development on this site, the access arrangements, flood related issues, if the development of this site could be detrimental to the amenities of the surrounding residents and S.106 matters.

### **Principle of the development:**

- 7.2 The outline application in 2001 under planning ref: 0101550OUT included this site known as the 'reserved site' within the red line. There is currently no planning permission for development of the site. It is now a proposed allocation SN 1 in the Draft Local Plan to 2036 under the St Neots Spatial Planning Area, as a site capable of accommodating approximately 41 dwellings.
- 7.3 Policy LP 1 of the Draft Local Plan proposes 7,850 new homes in the market town and Key Service Centres. In terms of the settlement hierarchy policies, the site is located in the built framework of St Neots. Policy CS3 of the adopted Core Strategy provides the framework to manage the scale of housing development. The settlement hierarchy Policy defines St Neots a Market Town where all scales of development may be appropriate in the built framework of the town.
- 7.4 The development proposed in this application is acceptable in principle in accordance with development plan policy in the adopted Core Strategy. It is also in accordance with emerging policy in the draft local plan.

### **Housing Mix**

- 7.5 The mix of housing will be determined at the reserved matters stage. Policy LP 24 in the Draft Local Plan states that proposals will be supported where the sizes, types and tenures of housing responds to guidance on local housing need. The explanation highlights the increasing proportion of households comprising single and older people. The application is however in outline and the housing mix will be established at the reserved matters stage. Emerging policy will require all new homes to comply with the Lifetime Homes standards to meet the needs of an aging population and people with disabilities.

### **Layout/Proposed Amount of Development**

- 7.6 The indicative plan submitted with the application demonstrates that 41 dwellings can be satisfactorily accommodated within the site boundaries. The proposed site allocation is for approximately 41 dwellings.

## **Traffic and transportation**

7.7 The County Highways Officers and the transportation team have not objected to the development in terms of the highway safety aspects.

7.8 The County Highways Transportation Team:  
The existing walking and cycling infrastructure is adequate to cope with the likely demand from an additional 41 homes, and the traffic impact of the site is likely to be negligible. As part of the Loves Farm development new walking and cycling infrastructure has been provided which links in to the wider walking and cycling network. The site is considered to be sustainable in terms of its access to public transport.

In response to the parking availability the design and access statement received on the 20th September 2013 has been amended. The amendments to the parking areas show less designated parking to the units. This is considered to offer more flexibility for visitor parking at the site. The transport assessment states that 82 parking spaces are proposed which is considered to be acceptable having regard to policy LP18 of the Draft Local Plan.

Cycle parking can be provided as part of the development.

Whilst no travel plan has been provided as part of this particular application, the travel plan for the overarching Loves Farm development is considered sufficient for this proposal, in terms of its content. However, the transportation team have suggested that a S.106 agreement requires these additional dwellings to be provided with the welcome pack that includes travel information that is provided to all new residents of the Loves Farm development.

### **Residential amenity:**

7.9 The development of this site can be achieved without undue harm to the amenities of local residents.

### **Flood related issues:**

7.10 The proposal is within the EA Flood Zone 2 (part) and Flood Zone 3 (part). Extensive discussions and consultations have taken place with the developers with regard to the potential flood issues, and watercourse modelling has been undertaken by the consultants to ensure flood risk is minimised both on and off the Loves Farm development site, culminating in the current remodelling of Fox Brook upstream of the railway line. The Environment Agency is satisfied that the watercourse modelling and proposed online attenuation features appropriate for the scale and nature of the development and demonstrate that flood risk will also be reduced downstream. The Environment Agency have confirmed that the submitted Flood Risk Assessment (FRA) reference St Neots Reserve Site dated February 2013 has demonstrated via watercourse modeling and the drainage strategy that the development itself will not be at risk of flooding and will not cause or exacerbate flood risk elsewhere.

7.11 However, it is considered a detailed design will need to be agreed prior to commencement of the development for a number of matters regarding drainage and flood risk. Conditions will be imposed to ensure these issues are addressed.

- 7.12 It is considered that the flood risk issues have been adequately addressed. The proposal therefore complies with policies CS9, CS1 and draft policy LP6. All other matters are reserved for consideration at the reserved matters stage.

### **Land Contamination**

- 7.13 It has been recorded that two areas within the site have been used for the storage of vehicles and equipment during the construction of the wider Loves Farm Site. Therefore a land contamination risk assessment should be carried out prior to any development taking place at the site. A condition will be imposed as part of any permission to ensure this issue is addressed. The proposal complies with policies H37 of the Local Plan 1995 and LP15 of the Draft Huntingdonshire Local Plan to 2036: Stage 3 (2013).

### **Crime prevention:**

- 7.14 The proposed indicative plan submitted confirms that a reasonable level of natural surveillance to the parking areas can be achieved; however a good lighting scheme should be incorporated into the final design. It has been suggested by the Police Liaison Officer that careful consideration in the design of the parking undercrofts, and ensuring the frontages of the dwelling have active frontages. A condition will be imposed to ensure the design meets the crime prevention standards.

### **National Grid comments:**

- 7.15 The comments received from National Grid suggest an informative should be attached to the decision notice to ensure the developers make contact prior the any development taking place due to the National Grid apparatus located in close proximity to the site.

### **Affordable housing:**

- 7.16 Adopted Planning Policy (Core Strategy policy CS4) sets out a target of 40% affordable housing. Viability work being undertaken as part of the Local Plan to 2036 is likely to result in a fall in the target percentage in the new version of the new Local Plan. It is therefore recommended that the S.106 requires affordable housing in accordance with the target percentage for affordable housing at the time of the issuing of the decision i.e. 40% in accordance with the Core Strategy if the decision is issued in advance of the Proposed Submission draft (Stage 4) of the Local Plan to 2036, or in accordance with the target percentage in the Proposed Submission draft (Stage 4) of the Local Plan to 2036 if the decision is issued after the publication of this draft of the Local Plan.

### **Play areas and Green Space:**

- 7.17 Play areas and open space have already been provided for in the wider Loves Farm development under S106 agreements. Local Plan policies, CS10 of the adopted Core Strategy and the SPD Developer Contributions Supplementary Planning Document aims to create green infrastructure to provide for the occupiers of the dwellings. The operation team have indicated that in line with the SPD the developer

will be required to make off site contributions by entering in a S106 agreement. The operations division have indicated improvement to a footpath connection over the Brook from the site to the Open Space would not only make the existing open Space more accessible to the Site but also serve to make the area safer by means of works to the existing steep bank and corner. The developers have agreed to a sum of £25,315.00 to be secured by S106 to make for provision for the improvements.

- 7.18 Residential wheeled bins - Contributions for the provision of wheeled bins should be secured through a planning obligation at a rate of £63.68 per dwelling for the supply of all three bins (Developer Contributions SPD 2011 Part G, contribution as reviewed in 2013).
- 7.19 Subject to completion of an obligation relating to the above matters, the proposal complies with current Local and National Policy.

**Conclusion:**

- 7.20 The principle of the housing development is in accordance with the settlement Policies for St Neots. The access arrangements into the site are considered not to be harmful in terms of highway safety. All other matters are to be considered at the reserved matters stage but it has been demonstrate that 41 dwellings can be satisfactorily accommodated on the site. Conditions are necessary to cover other matters such flood related issues, a scheme for contamination control and crime prevention.
- 7.21 If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.
8. **RECOMMENDATION - APPROVE** subject to the prior completion of a S.106 Agreement relating to affordable housing, open space contributions and travel plan as detailed above, and conditions to include those listed below:

<b>01017</b>	Details reserved minus access
<b>01002</b>	Plans and particulars in writing
<b>01003</b>	Reserved matters within three years
<b>01006</b>	Dates for commencement
<b>Nonstand</b>	Full highway details to be submitted
<b>Nonstand</b>	Scheme of construction details
<b>Nonstand</b>	Submission of Contamination report
<b>Nonstand</b>	Surface water drainage strategy
<b>Nonstand</b>	Detailed layout scheme to be approved
<b>Nonstand</b>	Detailed scheme for foul water drainage

**Nonstand** Fire hydrant details

**Nonstand** Secured by design scheme (security)

**CONTACT OFFICER:**

Enquiries about this report to **Linda Walker Development Management  
Officer 01480 388411**