

Matter No SC4C
Personal Ref 24043
Representation No 64925

Local Plan Examinations – South Cambridgeshire District Council

Matters and Issues for South Cambridgeshire and Local Plan Specific Hearing Sessions

Matter SC4C – Do all the sites designated by Policies NH/11, NH12 and NH/13 meet the objectives/criteria relevant to the respective designations for safeguarding the land in respect of future development

November 2016



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Revision	Description	Originated	Authorised	Date
	Final Copy		JJ	25.11.16

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2. INTRODUCTION

- 2.1 These representations have been submitted by Cheffins Planning and Development on behalf of Ms C Sawyer-Nutt in relation to interests at land at and adjoining Bancroft Farm, Church Lane, Little Abington. This site is proposed for allocation for housing by virtue of Policy H/1:k, as a proposed major modification to the emerging local plan. These representations are made in response to the questions i, iv, & xxxiv raised by the Inspector in relation to Matter SC4C. For ease of analysis these questions are dealt with separately below.

3. QUESTIONS – MATTER SC4C

Question i. Does the wording of Policy NH/12 properly reflect paragraph 78 of the National Planning Framework as any future proposal for development within a Local Green Space (LGS) would be subject to the very special circumstances test once a LGS has been designated?

- 3.1 The wording of Policy NH/12 and the supporting text to this policy fail to state what are the “exceptional” circumstances which would allow a development to commence within the LGS. Presumably, in the absence of any such definition of what is an “exceptional circumstance”, it seeks to apply the very special circumstances test contained in the NPPF (paragraph 88), i.e. “inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”. However, the policy does not say that this is the case and is patently defective as a result.
- 3.2 The proposed wording of Policy NH/12 is actually more stringent than national Green Belt policy in that it does not consider or allow for the exceptions to inappropriate development set out in paragraph 89 of the NPPF.
- 3.3 If the exceptions to inappropriate development were applied it would allow for the provision of buildings for agriculture and forestry and for limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use.
- 3.4 The policy also requires discussion with the local community before development is permitted. Again, given the absence of any such test in relation to Green Belt policy in the NPPF, this criterion does not comply with the national policy.
- 3.5 It appears that Policy NH/12 is being used to prohibit development with little or no flexibility and contrary to the NPPF.

Question iv. Would Church Lane, Little Abington meet the criteria in Policy NH/11 for designation as a PVAA as the site is brownfield land containing farm buildings which are generally in a poor state of repair?

- 3.6 We again do not consider that the Bancroft Farm, Church Lane, Little Abington site meets the criteria contained within Policy NH/11 for designation as a PVAA.

- 3.7 The criteria for establishing whether a site should be designated as a PVAA is set out in Table 9.3 of the Assessment Matrix for the Appraisal of Site Options which is contained within the Sustainability Appraisal Part 2 – Scoping Report March 2014. (RD/Sub/SC/060 – Page 2-66 – Draft Final Sustainability Appraisal (March 2014)). This report advises that “This indicator is generally qualitative rather than quantitative. Where studies exist of townscape character these have been used to inform the assessment. Will also take into account the presence of Protected Village Amenity Areas and Important Countryside Frontage”. Paragraph 6.40 of the Proposed Submission South Cambridgeshire Local Plan also details the criteria for designating a PVAA.
- 3.8 It is important to note that the appraisal of the Land at Bancroft Farm, Church Lane, Little Abington site in relation to the question of Townscape is give a GREEN score and states that there will be “No impact (generally compatible or being made compatible with local townscape character, or provide minor improvements). Some loss of rural context to Bancroft Farm. However the farm buildings are growing increasingly derelict. Policy H1/k requires a high quality cottage development, at a low density, retention of flint boundary wall and creation of a landscaped buffer”. There is no mention of the proposal conflicting with the designation of this site nor the adjoining land as a PVAA. (Rd/Strat 120 - South Cambs SHLAA Reps August 2013 Appendix 7 – Pages 1991-1997).
- 3.9 The site does not fulfil any of the important functions for designation such as allotments, recreation grounds and playing fields or an important amenity role in providing a setting for buildings or offering a tranquil area. In fact, the site represents a parcel of agricultural land which is crossed by a footpath, which has a statutory width of only 1.0m and a derelict farmyard set on the edge of privately owned paddocks. .
- 3.10 Policy NH/11 contains a number of criteria which applications for development will be assessed against. These include impact on the character, amenity, tranquillity or function of the village. For ease of analysis these are considered separately below.
- 3.11 There is no evidence that the site is considered to be demonstrably special to the local community and it is clear that its development will not harm the character of the area. It is interesting to note that the Parish Council has not sought its inclusion as a PVAA. The draft LVIA which is appended to these representations confirms that there is little significant about this site and that its landscape character is similar to many other areas and is not significant, special or local in nature.
- 3.12 In terms of amenity, the replacement of the existing buildings with a high quality development, constructed with the appropriate interface distances will not harm residential amenity. These issues are also dealt with by other policies of the plan.
- 3.13 In terms of tranquillity, the use of the site for residential development is likely to result in a net reduction in noise and disturbance compared with the reversion of this site back to its use as a farmyard. The modest scale of development will also mean that the level of traffic and activity associated with residential development will be low.
- 3.14 The site does not appear to be of historic significance with both the Parish Council and District Council accepting that the replacement of the existing buildings would enhance the character and appearance of the Conservation Area.

- 3.15 The site does not have any recreational value. The site is privately owned and does not have any other public access beside the footpath and is therefore not available for recreational use.
- 3.16 In terms of the function of the village the site, whilst close to Little Abington, it is not centrally located to the village centre (of Great and Little Abington) and is maintained as private land. The Council's own assessment has also stated that there is good scope for this site to integrate with existing facilities. In addition, the allocation of this site as a Parish Council led housing allocation and the associated public consultation has demonstrated that there is overwhelming public support for the development of this site.
- 3.17 There are other areas of protected land in the village, which demonstrate that there are many opportunities for recreational use and justifiable protection, whereas this site represents a brownfield site which does little to preserve the character and appearance of the Conservation Area let alone the PVAA.
- 3.18 In view of the above it is contended that the site does not meet the criteria for inclusion in a Protected Village Amenity Area especially as it does not form an area of undeveloped land and is not an open space the loss of which would harm the character of the village. It is clear that the existing and emerging policies of the plan can adequately deal with the design of development with the allocation of the site as a PVAA being unnecessary and incompatible with the reasons for a PVAA designation.

Question xxxiv. Would the land at Meadows, Bancroft Farm, Little Abington meet the designation criteria for LGS as it represents a significant area of open land/paddock in private ownership with little historical significance or recreational value and is surrounded by residential development with access limited to a public right of way which crosses the site? (NH/12-104).

- 3.19 The site must meet all of the criteria contained in paragraph 77 of the NPPF in order to be designated as LGS. It does not do so.
- 3.20 Under the first criterion, whilst it is accepted that the land is in close proximity to the community, it does not "serve" the local community. It is not central to the village and represents an area of private land with only a small part of it being accessed by way of a footpath. The Planning Practice Guidance indicates that, where the land in question does not have access by the public, it would need to be justified by virtue of it being a "green area... which [is] valued because of [its] wildlife, historic significance and/or beauty (i.e. under criterion 2 of paragraph 77" (see Reference ID: 37-017-20140306).

- 3.21 The site does not meet any of the features of criterion 2. It is to be noted that the land must be “demonstrably” “special to a local community” and “hold... a **particular**” significance. This requires that the proposer of the LGS should have a sound evidential basis for the conclusion that the land is “special” and of “particular significance”. To be “special to a local community” it should be established why it is special in comparison to other ordinary or non-special open land and what features it holds that make it special. To have a “particular significance” it should be established what the features of the land are which cause it to be distinct from other open land.
- 3.22 It is therefore notable that the “Review of Proposals for Local Green Space, Protected Village Amenity Areas and Important Countryside Frontages”, table 2, provides no analysis to establish either how the site is “special” or how it has “particular” significance. In fact, in large part, the assessment seeks to justify the LGS allocation by way of the effect of development on Little Abington. This reasoning assesses the wrong question and does not (even if it was true, which is not) relate to the issue of why the site is “special” or of “particular significance” within the terms of paragraph 77. The assessment also relies upon the fact that the site satisfies the criteria for designation as PVAA; those criteria are not, however, the same as those required to be considered under the LGS and do not justify that more stringent allocation – the applicability of these criteria to the site are dealt with further below.
- 3.23 Criterion 2 of paragraph 77 requires that there is a focus on factors such as its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness in wildlife. These are dealt with below.

Beauty – The site is an open area of land used predominately as paddocks with no particularly interesting features. It has no significant visual merit that would suggest it is valued particularly for its beauty. There are no mature trees within the site.

Historical Significance – Only a small part of the site falls within the boundary of the designated Conservation Area, and there are no other nature conservation or landscape designations on the site. Similarly there are no entries in the Cambridgeshire Historic Environment Records for any heritage assets. It must therefore be concluded that the site has a very low historical significance. No Conservation Area appraisal has been produced for this Conservation Area.

Recreational Value – The site is only accessible to the public via the footpath between 36 and 36a Church Lane only. All the land is in private ownership and is not accessible to the general public other than by the footpath. It does not include a play area, allotments, sports fields or informal grassy space within a housing estate. The land is also not used for village events. The right of way is in any event protected through separate legislation.

Tranquillity – The site does not provide seating or afford significant views of the village or the wider countryside beyond. Any quiet enjoyment of the site is limited to the public footpath.

Richness of Wildlife – The site, as maintained paddock land, has very limited opportunity to provide habitats for protected species since there are no mature trees, water features or ancient hedgerows. There is also evidence that the edges of the site are used for the ‘dumping’ of garden waste from some of the properties that adjoin the site.

- 3.24 The site does meet the criteria that the LGS in question should be local in character and not be an extensive tract of land. As stated above, the site is an open area of land used predominately as paddocks with no particular or important features. It has no significant visual merit that would suggest it is valued specifically for its beauty. There are no mature trees within the site. It not considered that the site is special in terms of its local character and the Council is looking to allocate an extensive tract of land to which they have not adequately justified the basis for its designation.
- 3.25 Policy NH/12 appears to being used as a restrictive tool to prevent development regardless of whether or not the land meets the test for inclusion and unlike Green Belt policy there are no stated exceptions to inappropriate development. It is important to note that the PPG states (Reference ID: 37-015-20140306) “blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name”. That is how it is being used in this case. The designation also flies in the face of the public support for this site to be developed and introduces a very special circumstances test for development which is unnecessary. The site was promoted by the Parish Council and the Committee for Abington Housing for residential development and as a consequence is being supported by the District Council for allocation by virtue of Policy H/1:k, as a major modification to the emerging Local Plan Finally, there are also other planning policies available which could more appropriately control development.
- 3.26 The Inspector’s question xxxiv. accurately summarises the inappropriateness of the site for designation in that it represents a significant area of open land/paddock in private ownership with little historical significance or recreational value and is surrounded by residential development with access limited to a public right of way which crosses part of the site.
- 3.27 As stated there are ways in which the site could be enhanced and protected, but the proposed designation of the site as an LGS precludes this. Nor is the site’s continuing designation as a PVAA justified for the reasons stated above. This site does not meet the criteria applicable to PVAA’s given its inability to meet the criteria identified at 3.23 above. Proposed sites require careful assessment and justification given the lack of general support for such blanket designations in the NPPF beyond LGS designation. There is no assessment of the site against the PVAA criteria which is capable of being scrutinised by an objector to this examination (or the Inspector). The site has apparently been identified as PVAA (if it is not to be GLS) simply because it was previously allocated as such.

- 3.28 It is clear that there is a need for additional sustainable housing growth to meet the existing and future needs of the existing and proposed residents of South Cambridgeshire. The unjustified allocation of land as LGS is clearly aimed at restricting growth. As is advised by paragraph 77 of the NPPF, a LGS designation will not be appropriate for most green areas or open space. In the case of Little Abington no such case has been made either for this or the site to be PVAA.