

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 August 2017

**AUTHOR/S:** Joint Director for Planning and Economic Development

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**Application Number:** S/3077/16/OL

**Parish(es):** Guilden Morden

**Proposal:** Outline application for up to 30 dwellings and formation of new access (all other matters including landscaping, layout, scale and appearance are reserved).

**Site address:** Site south of Thompson's Meadow, Trap Road, Guilden Morden, Cambridgeshire SG8 0JE

**Applicant(s):** Mr John Boston, Guilden Morden Executive Homes

**Recommendation:** Delegated Approval subject to a section 106 agreement

**Key material considerations:** The main issues are whether the proposed development would provide a suitable site for housing, having regard to housing land supply, the principles of sustainable development, scale of development and impact on townscape and landscape character, drainage issues, services and facilities, access and transport and ecology.

All of these matters were considered in the report presented to Planning Committee on 1 March 2017, when Members resolved to grant planning permission. This report focusses on the implications of the Supreme Court judgement relating to the extent of Local Plan policies which are considered to affect the supply of housing.

**Committee Site Visit:** Undertaken on 06 September 2016

**Departure Application:** Yes

**Presenting Officer:** David Thompson (Principal Planning Officer)

**Application brought to Committee because:** To consider the implications of the *Hopkins Homes* Supreme Court judgement relating to the extent of Local Plan policies which are considered to affect the supply of housing.

**Date by which decision due:** 31 August 2017 (Extension of time agreed)

## Introduction

1. This application was considered at the 1 March 2017 meeting of the Planning Committee. The Committee resolved to approve the application subject to the completion of a Section 106 agreement and conditions (as detailed in the previous committee report and the attached appendix.). The application remains undetermined pending the completion of the section 106 agreement. A copy of that report is appended to this report.
2. On 10 May 2017, the Supreme Court gave judgment in *Suffolk Coastal DC v Hopkins Homes Limited* and in the conjoined matter of *Richborough Estates Partnership LLP v Cheshire East BC* [2017] UKSC 37.
3. The Supreme Court Judgement narrows the range of development plan policies which can be considered as 'relevant policies for the supply of housing'. Those policies are now not to be considered out of date, even when a five-year housing land supply cannot be demonstrated.
4. In respect of South Cambridgeshire this means that the Local Development Framework Policies that were listed as being out of date at the time when this application was considered are no longer held to be out of date.
5. On 30 June 2017, the Court of Appeal issues a further judgement in *Barwood Strategic Land v East Staffordshire Borough Council*. The Court held that the "presumption of sustainable development" within the National Planning Policy Framework (NPPF) falls to be determined in accordance with paragraph 14 and there was not any wider concept of a presumption of sustainable development beyond that set out in and through the operation of, paragraph 14. Paragraph 14 of the NPPF has been applied in this supplementary report with the approach of the Supreme Court in *Suffolk Coastal* and it is not considered that the *Barwood Land* decision requires any further changes to the advice set out above.
6. The overriding issue however is not whether the policies are out of date but whether, in light of the continuing lack of a five year housing land supply, it can be shown that the "adverse impacts ... would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole". That is the test required by paragraph 14 of the NPPF, regardless of whether policies are 'out of date' or not. This test should be given considerable weight in the decision making process even though the definition of policies affecting the supply of housing has been narrowed by the Supreme Court judgement. Given the need to boost the supply of housing, the contribution of the proposal to the supply of housing (including affordable housing) is considered to outweigh the conflict with the policies of the LDF.
7. This report considers the officer advice given to Members at the May 2017 meeting in relation to the policies relating to the supply of housing and the extent to which this has changed as a result of the Supreme Court decision.
8. An additional consideration is the implications of an appeal decision relating to the scheme for 30 dwellings on the site. This decision was received on 11 May 2017.

## Planning Assessment

9. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 4.1 year supply using the methodology identified by the Inspector in the Waterbeach appeals in 2014. This shortfall is based on an objectively assessed housing need of 19,500 homes for the period 2011 to 2031 (as identified in the Strategic Housing Market Assessment 2013 and updated by the latest update undertaken for the Council in November 2015 as part of the evidence responding to the Local Plan Inspectors' preliminary conclusions) and latest assessment of housing delivery (in the housing trajectory March 2017). In these circumstances any adopted or emerging policy which can be considered to restrict the supply of housing land is considered 'out of date' in respect of paragraph 49 of the NPPF.
10. The effect of the Supreme Court's judgement is that policies DP/1(a), DP/7 and ST/6 are no longer to be considered as "relevant policies for the supply of housing". They are therefore not "out of date" by reason of paragraph 49 of the NPPF. None of these adopted policies are "housing supply policies" nor are they policies by which "acceptable housing sites are to be identified". Rather, together, these policies seek to direct development to sustainable locations. The various dimensions of sustainable development are set out in the NPPF at para 7. It is considered that policies DP/1(a), DP/7 and ST/6 and their objectives, both individually and collectively, to secure sustainable development, accord with and further the social and environmental dimensions of sustainable development, and therefore accord with the Framework.
11. Any conflict with adopted policies DP/1(a), DP/7 and ST/6 is still capable of giving rise to an adverse effect which significantly and demonstrably outweighs the benefit in terms of housing delivery of the proposed development in terms of a residential-led development cannot simply be put to one side. Nonetheless, the NPPF places very considerable weight on the need to boost the supply of housing, including affordable housing, particularly in the absence of a five year housing land supply. As such, although any conflict with adopted policies DP/1(a), DP/7 and ST/6 is still capable, in principle, of giving rise to an adverse effect which significantly and demonstrably outweighs the benefit of the proposed development, any such conflict needs to be weighed against the importance of increasing the delivery of housing, particularly in the absence currently of a five year housing land supply.
12. A balancing exercise therefore needs to be carried out. It is only when the conflict with other development plan policies – including where engaged policies DP/1(a), DP/7 and ST/6 which seek to direct development to the most sustainable locations – is so great in the context of a particular application such as to significantly and demonstrably outweigh" the benefit in terms of the delivery of new homes that planning permission should be refused.
13. A previous application for the scheme for 30 dwellings on the site (ref. S/0191/16/OL) was refused and the subsequent appeal (ref. APP/W0530/W/16/3164310) was dismissed. The decision was issued on 11 May, after the decision made at the March meeting to resolve planning permission for this scheme for 16 dwellings. The appeal decision was also issued after the Supreme Court judgement, but referred to policies DP/1(a), DP/7 and ST/6 as

being out of date – a position which was reversed following the Supreme Court judgement.

14. Nevertheless, the overall conclusion did still place some, albeit limited, weight on those policies in conducting the planning balance. The Inspector concluded that 'I place limited weight on the proposals conflict with policy ST/6 of the Core Strategy and policy DP/7 of the DPD and (given the concerns about the lack of services and facilities in the village and the number of trips generated by the development).....substantial weight to the conflict with the overall thrust of policy DP/1 of the DPD.'
15. Key issues that the Inspector considered weighed against the appeal included the limited range of services and facilities and the irregularity of public transport serving the village. The Inspector concluded that 'due to the lack of a shop and post office, the level of services are such that even the most basic of shopping trips would require the use of private transport.' The same situation applies in terms of accessing other services and employment.
16. These limitations weigh against development of the site. However, there are two key differences between the application which has a resolution to approve, subject to the completion of a Section 106 Agreement and the dismissed appeal scheme. They are: the scale of the development and the level of social benefits to be provided by the scheme for 16 dwellings.
17. The appellant made the Inspector aware of the committee resolution on the 16 dwellings and the Inspector noted in the appeal decision that, by providing 8 affordable units, the revised application would achieve 2/3 of the number of affordable units that the scheme for 30 dwellings proposed, with just over half of the number of trips being generated.
18. Whilst the 30 dwelling scheme would provide a greater number of units towards the deficit relation to the five year supply of housing land, the environmental harm resulting from the number of trips generated, due to the lack of services and facilities within close proximity of the site, was considered to significantly and demonstrably outweigh the benefits of the development.
19. The revised scheme for 16 dwellings would significantly reduce the number of trips generated, resulting in less environmental harm in that regard than the appeal scheme and would offer proportionately higher social benefits in relation to the provision of affordable housing. The revised scheme would also result in less landscape impact than the scheme for 30 units (which the Inspector considered acceptable in any case), due to being substantially smaller in scale.
20. There is a bus stop on Trap Road, approximately 200m from the site. A service connects Guilden Morden to Royston, with 1 bus to Royston and 2 back at commuting times during the week, with an infrequent return service during the rest of the day. A similar service operates on a Saturday, with no service on a Sunday. The service between the village and Cambridge is extremely limited and would not allow commuting from the proposed development without access to private motor transport.
21. Thompsons Meadow has a public footpath (on the opposite side of the road), connecting to Trap Road. The existing footpath network allows access to the bus stops referred to above from Thompsons Meadow. The proposed

development includes the installation of a footway along the northern boundary of the site to improve connectivity and this would improve the sustainability of the scheme. Details of the extent of the footpath and details of the construction of the link within the highway can be secured by condition at this outline stage.

22. It is acknowledged that occupants of the proposed development would need to make journeys to larger centres, such as Royston, to meet day to day needs. However, it is possible to do that journey by public transport from the development and therefore there is an alternative to the use of the private car for these journeys. This would allow access to employment in Royston and medical and education provision in Bassingbourn.
23. In assessing the issue of addressing a housing shortage and accounting for the rural character of the majority of the District, the Inspector deciding an appeal at Over (also a Group Village) concluded that 'the level of approvals (of new dwellings across the district) are not at such a scale or rate that they are making significant in-roads into the shortfall.' In relating that situation to the merits of the Over scheme, the Inspector stated 'a concern that the location of this development would lead to journeys for shopping trips is therefore something that is potentially to be repeated in other such locations and therefore does not make this site significantly less sustainable than any other site....'
24. Over as a village has more facilities (e.g. a village shop, GP surgery and a mobile post office) than Guilden Morden. However, it does not have significant sources of employment or services that would go beyond meeting basic day to day needs and access to these would therefore generate trips out of the village. The bus service from Over to Cambridge is no more frequent than the service from Guilden Morden to Royston and the journey time is longer. It is the case that the Guided Busway provides a more frequent public transport alternative for residents in Over and such an alternative does not exist in Guilden Morden. This weighs against the environmental sustainability of this scheme therefore.
25. However, given the similarities in the services accessible from the respective sites on foot, it is considered that the level of private trips generated by this development, would be substantially less than the Over scheme for 55 dwellings. As a result, it is considered that the environmental harm arising from reliance on the private car to access more than basic services would not be substantial enough to outweigh the significant benefits of the proposal, including the over provision of affordable housing in relation to the minimum adopted policy requirement.
26. The reduction in the size of this proposal in relation to the previously refused application for 30 dwellings and the conclusions of Inspectors relating to the limited weight to be given to the settlement hierarchy within the context of a lack of a five year housing land supply are material considerations which have led officers to conclude that a recommendation of refusal in this case on the basis of the number of units alone could not be substantiated at appeal.
27. Although located outside the development framework of a group village, the proposal is considered to deliver significant sustainability benefits, delivering much needed affordable housing (above the policy complaint level) and improving the quality of recreation facilities in the village. Whilst the level of

services and facilities within the village is relatively limited, the level of trips generated by this scheme are considered not to result in environmental harm that would outweigh the benefits of the scheme, commensurate with the approach taken by Inspectors to larger schemes in Group Villages, such as Balsham and Orwell, where access to public transport is similarly limited.

28. The environmental harm arising from this scheme is considered not to meet the test of 'significantly and demonstrably' outweighing the benefits of the proposals, as required by paragraph 14 to justify refusal of the application. The weight that can therefore be attached to the conflict with policies DP/1(a) and DP/7 which are intended to ensure that development is directed to the most sustainable locations in the district is limited.
29. Policies HG/1 (Housing Density), HG/2 (Housing Mix), NE/6 (Biodiversity), NE/17 (Protecting High Quality Agricultural Land), CH/2 (Archaeological Sites) and CH/5 (Conservation Areas) were all policies that were previously considered to be relevant policies for the supply of housing. That is no longer the case. However, no conflict was identified with any of these policies and thus none of them require a reassessment in terms of any harm that might arise.
30. It is considered that the scheme includes positive elements which demonstrate that as a whole the scheme achieves the definition of sustainable development. These include:
  - the positive contribution of up to 16 dwellings towards the housing land supply in the district based on the objectively assessed need for 19,500 dwellings and the method of calculation and buffer identified by the Waterbeach Inspector
  - the provision of 50% affordable dwellings on site, making a significant contribution to the identified need in Guilden Morden – a level which exceeds the policy compliant minimum requirement.
  - significant public open space, including a Local Area of Play on the site and a commuted sum towards the provision of additional recreation facilities in Guilden Morden, a village which currently has a significant under provision in this regard.
  - The provision of contributions to upgrade community meeting space in the village.
  - The provision of highway upgrades by providing a link from the development to the adjacent footway network and close by bus service
  - potential to result in an increase in the use of local services and facilities

## **Conclusion**

31. Officers consider that notwithstanding the conflict with policies DP/1(a), DP/7 and ST/6, this conflict can only be given "limited" weight. The general lack of services and facilities within the village and the reliance on the private car to access more than basic services also weighs against the proposal.
32. The provision of 16 dwellings, including 8 affordable dwellings can be given significant weight. The contributions towards the provision infrastructure in relation to public open space, community facilities and transport provision all carry weight in favour of the proposals. The increase use of local services and

employment during construction to benefit the local economy can also be given some limited weight.

33. None of the disbenefits arising from the proposals are considered to result in significant and demonstrable harm when balanced against the positive elements. The smaller scale of this proposal ensures that the environmental disbenefits are less than the scheme for 30 units dismissed at appeal and the provision of 50% affordable units would result in a more social sustainable proposal. Therefore, it is considered that the proposal achieves the definition of sustainable development as set out in the NPPF.

### **Recommendation**

34. Officers recommend that the Committee again resolves to grant planning permission subject to the conditions and section 106 agreement as before.
35. The following items are appended to this report:

- a. Appendix 1 – report presented to committee in March 2017
- b. Appendix 2 – Section 106 matrix appended to March committee report

### **Background Papers**

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Plan 2004
- Planning File Ref: S/3077/16/OL

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