

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 9th January 2008
AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1678/05/F – WESTON COLVILLE
Erection of House and Garage and Carport for Existing Dwelling at Land Adj. 33 Mill Hill for Dr & Mrs N Coleman

Recommendation: Approval
Date for Determination: 28th October 2005

Notes:

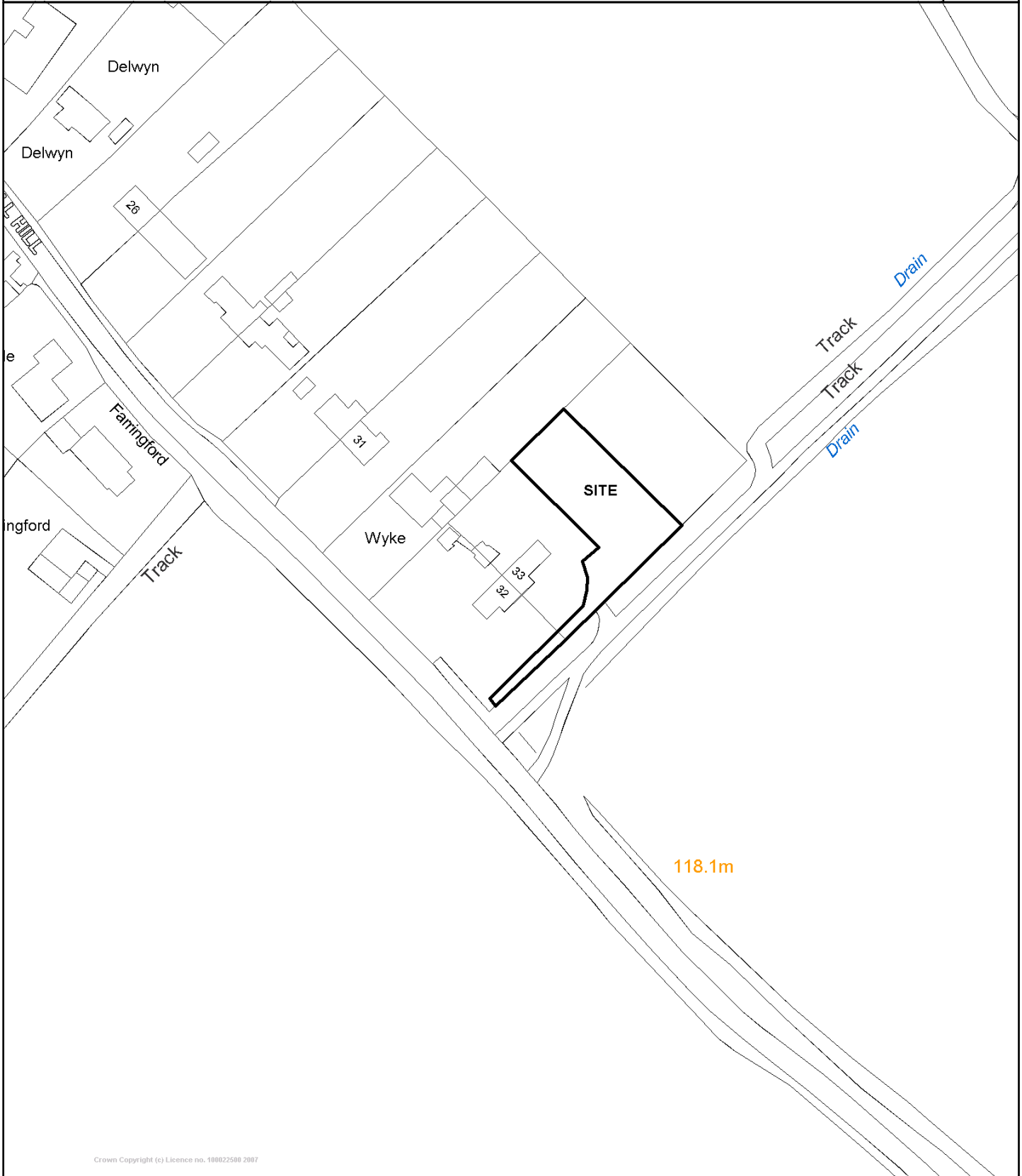
This Application has been reported to the Planning Committee for determination because the recommendation is contrary to the response of the Parish Council.

Site and Proposal

1. The application site is a 0.08 hectare plot of land that forms part of the garden to No.33 Mill Hill, a substantial detached two storey red brick dwelling that is located just inside the village framework and is bounded to the north-east and south-east by agricultural land. The proposed plot comprises the south-western half of the garden nearest to the dwelling. The remainder of the garden to the north-east of the site has consent for a dwelling, which is presently under construction.
2. The full application, submitted on 2nd September 2005, seeks to erect a house and garage on the site. The dwelling would be a 2^{1/2} storey (approximately 8.7 metre high) 5-bedroom property that would be oriented in a south-east/north-west direction. A detached double garage would be sited in front of the property and a single carport would also be constructed at the front of the existing dwelling. The density of the development equates to 12.5 dwellings per hectare.
3. The property would be a market dwelling, but the proposal involves the payment of a £77,000 commuted sum towards affordable housing, that would be secured by way of a Section 106 legal agreement. Initially, the application proposed the payment of a £35,000 sum. Following objections received from the Housing Development Manager, the proposed contribution was increased to approximately £61,500 (based on a formula used at another Authority and Housing Corporation Standards). The final sum of £77,000 was arrived at following an independent assessment/valuation carried out by Pocock and Shaw, in accordance with the Council's procedure guide on commuted sums. Further details of this process are set out in the 'Consultations' and 'Representations' sections of the report.

Planning History

4. **S/2109/02/O** and **S/1289/03/RM** – Outline and reserved matters consents granted for the erection of a 2^{1/2} storey 5-bedroom dwelling at the north-eastern end of No.33 Mill Hill's garden area.



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5. **S/0358/04/F** – An application to erect a 2¹/₂ storey dwelling (of identical design and siting and on the same plot as the current proposal) on a plot between the existing house and the above approved dwelling at the end of the garden was refused for the following reason:

“There is an extant consent for a single dwelling on a plot of land directly to the north-east of the proposed site which is under the same ownership as the present application site. If proposed together, an application for the approved dwelling together with that currently proposed would bring forward a requirement for 1 affordable dwelling, in accordance with Policy HG7 of the South Cambridgeshire Local Plan 2004. In villages with a population of fewer than 3000 people, this policy requires affordable housing to be provided at a rate of up to 50% of the total number of dwellings for which planning permission may be given where there is a clear need in the local area. Such a need exists in this instance. Submitting the current proposal as a separate application to that approved on the adjacent site obviates the possibility of providing affordable housing, and hence the opportunity to contribute to meeting the defined need in the local area. This dwelling has not been specifically proposed or designed to meet that need and the proposal therefore contravenes the aims of Policy HG7 of the above mentioned Local Plan.”

6. The application was subsequently dismissed at appeal with the Inspector concluding that the plot should be regarded as forming part of a larger site and hence linked to the earlier adjacent planning permission. As such, the proposal, in not providing affordable housing, was in conflict with Policy HG7 of the Local Plan. The Inspector did not raise any concerns in respect of the impact of the dwelling on the character of the area or upon the amenities of neighbours.

Planning Policy

7. **Policy P1/3** of the Cambridgeshire and Peterborough Structure Plan 2003 stresses the need for a high standard of design and a sense of place that corresponds to the local character of the built environment.
8. Weston Colville is identified within **Policy ST/7** of the Local Development Framework Core Strategy 2007 as an Infill Village. In such locations, residential development is restricted to no more than two dwellings comprising (amongst other things) the redevelopment of an existing residential curtilage.
9. **Policy DP/2** of the 2007 Local Development Framework requires all new development to be of high quality design, whilst **Policy DP/3** states that permission will not be granted for proposals that would have an unacceptable adverse impact on (amongst other issues): residential amenity, from traffic generated, on village character, or from undue environmental disturbance.
10. **Policy HG/1** of the LDF requires residential developments to make the best use of land by achieving average net densities of at least 30 dwellings per hectare, unless there are exceptional local circumstances that require a different treatment.
11. LDF **Policy HG/2** requires the market element of developments of up to 10 dwellings to provide at least 40% of homes with 1 or 2 bedrooms.
12. **Policy HG/3** of the Development Control Policies Document of the Local Development Framework states that proposals need to include an agreed mix of affordable housing to meet local needs, with the amount of affordable housing sought

to be 40% or more of the dwellings for which planning permission may be given on all sites of two or more dwellings.

13. The supporting text to the above policy states that, in smaller developments, where individual units of affordable housing cannot reasonably be provided on the development site itself, it may be appropriate for a financial contribution towards off-site provision to be secured through Section 106 agreements. This approach will only be applicable to small sites where there may be difficulties over delivery or management, and financial contributions will be secured towards the provision of affordable housing on other sites. Where possible, affordable housing will be provided in locations as close to the site as possible but, as monies will be time limited, they may need to be spent elsewhere in the local area.
14. **The Council's Procedure Guide for Consideration of Commuted Sums in Lieu of On-Site Provision of Affordable Housing** states that, although procurement of land for affordable housing is the Council's main priority, there are certain schemes where the inclusion of affordable housing may not be appropriate, and where payment of a commuted sum may be an acceptable alternative. Any variation from the provision of affordable housing as part of a larger scheme should be regarded as a last resort and good reasons will need to be provided by the applicant to demonstrate why on-site provision is not appropriate. If it is accepted that the Council will forego on-site provision for whatever reason, the offer of provision of an alternative site within the same village should be considered next. A commuted sum should only be considered once the aforementioned options have been fully explored, but the acceptance of anything other than on-site provision is purely at the Council's discretion.

Consultation

15. **Weston Colville Parish Council** objected to the initial application, stating:
 - “ 1. There is a need for affordable housing in Weston Colville.
 2. You have ruled that under your policy this site should be used for an affordable house, this decision was upheld on appeal and we do not think the policy should now be changed. Since the site is quite small we believe a two or perhaps three bedroom property would be appropriate.
 3. We think it unlikely a payment of £35,000 will secure an alternative site. We are very surprised that negotiations seem to have taken place between your Mr Sugden and Taylor Vinters over the theoretical cost of a site in Weston Colville. If you have a site in mind why have we not been consulted?
 4. We strongly suggest that this application should not be considered unless and until a suitable alternative site for a low cost house in Weston Colville is identified and paid for. The onus for this should be on the applicant.
 5. In the absence of the above we strongly recommend refusal of this application.”
16. With regards to the increased financial contribution of approximately £61,500 put forward, the Parish Council continued to object stating:

“We object to the application unless and until a site for a low cost house is provided in Weston Colville.”

17. These concerns were reiterated in response to the final larger contribution of £77,000:

“The only situation in which this application would be supported would be if an affordable house could be built in Weston Colville.”

18. **The Housing Development Manager** objected to the initial proposal to provide a £35,000 contribution, stating that such a sum would not cover the cost of acquiring a single plot elsewhere. It was estimated at the time that a commuted sum in the region of £60,000 - £70,000, depending on the size of the unit, would be required. Subsequent offers of £61,467 and, following a valuation carried out on behalf of the Council, £77,000, were considered to be acceptable.

19. **The Environmental Health Officer** raises no objections in principle although does express concerns about potential noise disturbance to residents during the construction period. As such, it is recommended that a condition restricting hours of use of power operated machinery be applied to any planning consent.

20. **Pocock & Shaw** carried out an independent assessment in order to determine the commuted sum that would be required. This sought to establish the following with the commuted sum amounting to the difference between the two valuations:

1. The value of the land without an affordable housing contribution (ie – with permission for two detached houses as per the approved application reference S/1289/03/RM and the current proposal); and
2. The value of the land with an on-site affordable housing contribution (ie – with permission for one detached market house as per S/1289/03/RM and one affordable dwelling on the current site).

Pocock & Shaw advised that the creation of a 2nd plot would have a major impact on the value of the existing house (by some £40,000/£50,000) and result in a slight reduction in the value of the plot that already has planning consent (by some £5,000/£10,000). The creation of the plot reduces the applicants remaining assets by approximately £52,000. The plot of undeveloped land, if sold in the open market, would be worth around £145,000. Therefore the potential gain for the applicants as a result of obtaining planning permission for the 2nd plot would be about £93,000. If the plot were to be developed for social housing there would be a substantial net loss, with the plot having a value of around £16,000 for the appropriate affordable house (resulting in a loss of about £36,000). Making the plot available for an affordable dwelling would therefore prove unviable. The difference between the value of the land on the open market and its value for social housing (the required commuted sum) is £77,000.

Representations

21. A letter of objection has been received from the occupiers of ‘Wyke’, the adjoining dwelling to the south-west. The main points raised are:

1. The application is a duplicate of an earlier refused scheme (Reference S/0358/04/F);
2. The development would result in overlooking of and loss of sunlight to ‘Wyke’;
3. The proposal would change the character of this part of the village;
4. The safety of the access;

5. Proposed screening would undermine the foundations of the building behind Wyke's garage.

Representations by the applicants agent

22. In a covering letter submitted with the application, the applicants agent has stressed that the proposal does not involve the erection of an affordable dwelling on the site. If the Council would require any 2nd dwelling within No.33's garden to be an affordable dwelling, then the scheme would simply not come forward, as it would not prove financially viable to do so. In pre-application discussions, the Housing Manager advised that Registered Social Landlords are reluctant to accept large houses in small villages, as they are often not a viable proposition. Further, the Housing Needs Survey for the village shows a need for predominantly two-bedroom properties, which would not be a best and most efficient way to develop the site. As such, a financial contribution is proposed in lieu of providing affordable housing on the site, the final agreed amount being £77,000, based on Pocock & Shaw's valuation.
23. To comply with the Council's procedure guide relating to the consideration of commuted sums in lieu of on-site provision, the applicants were asked to identify whether there are any alternative sites within the village upon which an affordable dwelling could be provided. The applicants agent advised that it is most unlikely that an alternative plot for an affordable housing unit could be found within the village framework as landowners would not release their land for this purpose due to the increased land value that would be achieved if the same plot were developed as a private market dwelling. Also, land on the edge of villages but outside the village framework are equally difficult to bring forward mainly due to landowner expectations that the village framework will be expanded at a later date to include their land.

Planning Comments – Key Issues

24. The design and siting of the proposed dwelling is identical to that shown within the scheme refused under application reference S/0358/04/F. This Council considered the impact of the dwelling upon the character of the area, upon the amenities of neighbours and in highway safety terms to be acceptable and the application was refused, and subsequently dismissed at appeal, solely on affordable housing grounds. This therefore remains the sole issue to be considered in the determination of the current application.
25. In accordance with the terms of Policy HG/3 of the Local Development Framework (this supersedes 2004 Policy H7), which requires affordable housing to be provided at a minimum rate of 40%, and in light of the previous refusal and appeal decision, any property built on this site should be an affordable dwelling. However, the applicants agent has stressed that the scheme before the Council is for a 2nd dwelling proposed as part of the redevelopment of the former garden to 33 Mill Hill, and not part of a comprehensive redevelopment scheme. If the Council's position is that any 2nd dwelling must be an affordable unit, then the scheme will not come forward (there would be no financial incentive whatsoever for the applicants to do this in light of Pocock and Shaw's conclusions that the applicant would actually suffer a net loss) and the applicant will just proceed to build the single market dwelling he has consent for. This would result in one less general purpose dwelling to the district's housing stock as well as the loss of the financial contribution of £77,000 towards affordable housing that the applicants are offering to pay if they obtain consent to erect a 2nd market dwelling within their garden. It is argued that there is no public benefit from the Council's approach.

26. The valuation report carried out by Pocock & Shaw supports the applicants view that erecting an affordable dwelling on this plot would not prove financially viable and, as has been made clear, it simply will not happen. If the erection of an affordable dwelling is proven to be unviable, the Council's procedure for consideration of commuted sums states that provision of an alternative site within the village should be considered. I agree with the points made by the applicants agent, as set out in paragraph 23 above, that if there was suitable land elsewhere within the village, it would be developed for private market housing.
27. The Parish Council is objecting very strongly to the payment of a commuted sum in lieu of on-site provision, as the monies are time limited and there is no guarantee that it would be directed towards providing affordable housing in Weston Colville. So, if within the time period (normally 5 years), a site failed to come forward, the money could be directed towards development in any other village.
28. I have been made aware that there is a Council owned garage site at the north-eastern end of Horseshoes Lane in Weston Green. This has recently been identified by the Council's Housing Department as a potential development plot and, having visited the site, I concur that it seems to have the potential to accommodate one or two dwellings. A consultant is presently investigating options for this site, as well as other sites within the District, on behalf of the Council. I had hoped to defer consideration of this application until I was in a position to provide Members with further information about the alternative site. However, the Housing Development Manager has advised that there is a reasonable expectation that this alternative site will come forward within the foreseeable future and that any commuted sum paid in respect of the current application could be directed towards the provision of an affordable dwelling there. The applicants are keen for the application to be determined and, in view of the reasonable expectation that the Horseshoes Lane site will come forward within the next 5 years, it would be unreasonable for further delays to be incurred in the consideration of the application.
29. This is a small site and in such instances Policy HG/3 acknowledges that payment of a commuted sum may be appropriate, and the procedure for consideration of commuted sums has been followed by the applicants. In light of the fact that the proposed dwelling is acceptable in all other respects, there seems to be little public benefit in rejecting the proposal and I therefore recommend that the application be approved as it stands subject to the provision of a £77,000 financial contribution towards the provision of affordable housing.
30. At a density of 12.5 dwellings per hectare, the application would fail to comply with the requirements of Policy HG/1. It is considered, however, that meeting the minimum density standard of 30 dwellings per hectare would not be appropriate in this instance as it would result in a form of development that would be out of keeping with the character of the area.

Recommendation

31. Subject to the prior signing of a Section 106 Agreement to secure the provision of a financial contribution of £77,000 towards affordable housing, approval:
1. ScA – Time limited permission (RcA);
 2. Sc5a – Details of materials for external walls and roofs (Rc5aii);
 3. Sc51 – Landscaping (Rc51);

4. Sc52 – Implementation of landscaping (Rc52);
5. Sc60 – Details of boundary treatment (Rc60);
6. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions (Rc26)

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
P1/3 (Sustainable design in built development);
 - **Local Development Framework 2007:**
ST/7 (Infill Villages)
DP/2 (Design of New Development)
DP/3 (Development Criteria) and
HG/3 (Affordable Housing)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Overlooking
 - Loss of sunlight
 - Impact on character of area
 - Highway safety

General

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
2. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

Background Papers: the following background papers were used in the preparation of this report:

- Cambridgeshire and Peterborough Structure Plan 2003
- Local Development Framework 2007
- Planning application refs: S/1678/05/F, S/0358/04/F, S/1289/03/RM and S/2109/02/O

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