

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

09 August 2017

AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/1524/16/OL

Parish(es): Caldecote

Proposal: Outline planning permission for the erection of 6 dwellings (self build) including access

Site address: Land to the West of Casa De Foseta, St Neots Road, Hardwick, Cambridgeshire

Applicant(s): Mr Norman Marles

Recommendation: Delegated approval (to complete section 106 agreement)

Key material considerations: Five year supply of housing land
Principle of development
Density of development
Affordable housing (including viability considerations)
Self-build
Impact on the countryside
Highway safety
Residential amenity
Surface water and foul water drainage
Trees
Ecology

Committee Site Visit: No

Departure Application: Yes (advertised on 26 July 2016)

Presenting Officer: Rebecca Ward, Principal Planning Officer

Application brought to Committee because:

1. Approval of the planning application would represent a departure from the Councils Affordable Housing Policy HG/3
2. Request made by Cllr Harford as Housing Portfolio Holder

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

Executive Summary

1. The proposed development would provide a modest number of dwellings, all of which will be homes for self-builders. The development would also provide a commuted sum

towards off-site affordable housing provision. These are all benefits which should be given significant weight in the determination of the planning application.

2. It is considered the proposal would result in only limit harm on the character of the landscape. The design and appearance of the units will need to be resolved at the reserved matters stage. However, it is considered that the number of units proposed could be achieved in a manner that would preserve the residential amenity of neighbouring properties.
3. Although the site is located outside the development framework of a group village, accessibility to services and to public transport is considered adequate. 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 under the current circumstances.
4. In terms of the balance required by para 14 of the NPPF, the absence of a five year housing land supply means the conflict with these policies is not considered to significantly and demonstrably outweigh the benefits of the proposal particularly in terms of the contribution which it would make to providing self-build plots.

Relevant Planning History

5. S/1112/81/F Erection of House and Outbuildings - Refused 1981
S/0265/83/D Erection of Bungalow - Refused 1983

National Guidance

6. National Planning Policy Framework 2012 (NPPF)
Planning Practice Guidance

7. **Development Plan Policies**

The extent to which any of the following policies are out of date and the weight to be attached to them is addressed later in the report.

8. **South Cambridgeshire LDF Core Strategy DPD, 2007**

ST/2 Housing Provision
ST/6 Group Villages

9. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
HG/1 Housing Density
HG/2 Housing Mix
HG/3 Affordable Housing
NE/4 Landscape Character Areas
NE/6 Biodiversity
NE/8 Groundwater
NE/9 Water and Drainage Infrastructure
NE/15 Noise Pollution
NE/17 Protecting High Quality Agricultural Land
CH/2 Archaeological Sites
SF/10 Outdoor Playspace, Informal Open Space, and New Developments

SF/11 Open Space Standards
TR/1 Planning For More Sustainable Travel
TR/2 Car and Cycle Parking Standards
TR/3 Mitigating Travel Impact

10. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

Open Space in New Developments SPD - Adopted January 2009
Affordable Housing SPD - Adopted March 2010
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Biodiversity SPD - Adopted July 2009
District Design Guide SPD - Adopted March 2010

11. **South Cambridgeshire Local Plan Submission - March 2014**

S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development
S/5 Provision of New Jobs and Homes
S/6 The Development Strategy to 2031
S/7 Development Frameworks
S/10 Group Villages
HQ/1 Design Principles
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
NH/2 Protecting and Enhancing Landscape Character
NH/3 Protecting Agricultural Land
NH/4 Biodiversity
CC/8 Sustainable Drainage Systems
SC/6 Indoor Community Facilities
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
SC/10 Lighting Proposals
SC/11 Noise Pollution
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments

Consultation

12. **Hardwick Parish Council** - No recommendation

Caldecote Parish Council - The Parish have no objections in principle to the development, subject to the following:

1. We would like to understand any precedent that are set by this application with respect to future self build schemes. Large self-build schemes of 150 homes or more exist elsewhere, e.g: <http://www.selfbuildportal.org.uk/latest-news/12-news-archive/349-plans-submitted-for> We would be very concerned and oppose any precedent that are set on small scale self build schemes that might used as a back door to allow large self build schemes (potentially even larger than Gladman) in Cambridge to proceed. Also we have concerns where a self build scheme that is approved house-by-house does not invest in required shared infrastructure (see comment 4 below).

2. From Gladman appeal please note the inspectors recommendation from APP/W0530/W/16/3149854 clause 50 that "A design code is to be submitted and agreed with the aim of ensuring a high quality development which is generally not higher than 2 storeys ...". We would like this recommendation applied to this application, and all other future applications applications considered (or re-considered) by the planning committee, for the Caldecote parish.

3. We note that some of the house images used as representative designs in section 9 of the design an access statement appear quite large. We would want to ensure that these houses are not of excessive size for the plots. We assume this will be addressed in later stages of planning, not at outline.

4. It will be no surprise to you that this is an area that flooded a couple of years ago following heavy rain due to the surface water issue that have been covered before at length. We believe that with no surface water management system (could not see any details of SUDS etc on plans) on site the increased run off from roofs and hard surfaces does, despite section of their application 12, increase the local flood risk due to increased peak surface water run off. Clearly if the detailed applications are simply approved house-by-house this (probably shared) infrastructure might not get mandated. We would like to see a surface water management solution or the site that does not increase the rate of surface water run off to the ditch or surface water piped drain, even under heavy rainfall, compared with the existing run off. We do not believe that some simple rain water harvesting solution installed house by house that might be proposed can mitigate the peak flows.

5. When considered with other applications in this area, and recent builds in this area, we do have concerns that the local foul water/sewage can cope with the additional load. This is not just concerns with the pumping station, but the local pipe capacity within 500m of this build. I do not know how we address this with piecemeal development.

- 12a. **Cllr Tumi Hawkins (Local Member for Caldecote)** - This application for 6 self-build properties on the land west of Casa-de-Foseta in Caldecote is a welcome development, which I support.

As this local authority is now a Right To Build Vanguard Authority (since 2015), it is befitting that such a collaborative project as this has come forward, as a first in the District.

The site is at the approach to Caldecote coming from the Hardwick direction, next to the BP garage and is currently looking worse for wear. Development of the site for self-build houses means that the character of the area will be enhanced. Building 6 dwellings on the site makes good use of the available land, and provides 6 families the opportunity to shape their own homes for the foreseeable future.

The site is also within walking distance to the bus stop at the Childerley Roundabout, giving access to public transport.

The issues of surface water and foul drainage will need to be addressed at the reserved matters stage, bearing in mind the historical issues with the pumping station.

13. **Cllr Harford (Housing Portfolio Holder)** - As members will be aware, South Cambridgeshire District Council is a Vanguard Authority for the Government's Self/Custom Build policy. Officers have been working hard to deliver not just the

Council's own obligations in that respect but have also led on providing information and advice for prospective self builders through a series of well-attended workshops and the Council is intent upon offering a register management service to other local authorities.

The circumstances relating to the application that Committee is being asked to consider are not currently covered by policy, a situation that will be remedied in due course but which I ask does not further delay a decision for this applicant. The fact that the landowner wishes to enter into just one conveyance for all 6 self build plots and that as a consequence just one planning application is being made, triggers the obligation to make provision for affordable housing. [SCambs' policy is currently that any development of 3+ properties is required to make such provision.]

Following much discussion between Housing and Planning Officers, the proposal has been made that you see detailed in the Officer's report. As Housing PfH which role includes responsibility for Self/Custom Build, I am concerned to ensure support for this popular means of housing provision and to protect the Council's reputation as a Vanguard Authority.

In the same role I am also concerned to ensure that all sources of provision of affordable homes are protected. The proposal for a commuted sum contribution, fifty percent of which will be payable up-front and where claw-back of the remainder will be triggered by a sale within 3 years, seems to me to be a good basis on which to serve both the Council's obligations for promoting self-build and for protecting a source of providing affordable homes.

This view is also supported by my Cabinet colleagues, Robert Turner [Planning PfH] and Tim Wotherspoon [Strategic Planning & Infrastructure PfH and Self Build Champion]. I trust that members of the Planning Committee will also support this view and approve the application in line with Officers' recommendation.

14. **District Councils Self-build Officer** – South Cambridgeshire DC is one of 11 Vanguard Authorities piloting the Right to Build Agenda as laid out initially in the Self - Build Custom Housebuilding Act 2015. The Council is leading on delivering our commitment as a Vanguard Authority e.g. we have identified 100 self build plots on land in our ownership subject to planning which then brings a receipt into HRA for further housing construction or other housing activity. The Council is also leading on best practice in the region.

The Act requires all local Authorities to set up and administer a Self Build / Custom Build Register of interested parties.

The Housing and Planning Act 2016 requires all Local Authorities to grant sufficient suitable development permissions on serviced plots of land to meet the demand for self - build and custom housebuilding in their area. Demand for Self build and Custom build is evidenced by the number of people on the register.

There are 697 people on the register. We have worked closely with this Group for two years and this will be the first group self build scheme that we are assisting through the process.

15. **District Council Affordable Housing Officer** - In the absence of any policy specific to self build, and because of the acute need for affordable housing, we have endeavoured to secure a contribution but at the same time ensure it does not prove a

barrier to the self build in terms of obtaining mortgages, etc. Taking that into account, we have come to a resolution that all parties could agree:

- 50% of the commuted sum to be payable upon completion of the each self build unit (approx £13,000 each)
- A 3 year clause is written in, whereby if the property is sold within the 3 years from date of occupation we would get the remaining 50% of the commuted sum. After 3 years, this clause would fall away.

We are also looking to include a clause relating to the property being their main residence and that they must be on the self build register.

16. **District Council Environmental Health Officer (EHO)** - At this stage the noise report provided has confirmed certain noise criteria will not be achieved and therefore mitigation measures have been proposed. The report goes on to conclude that further noise analysis will be required at the detailed design stage to establish the required mitigation for each property. It is therefore suggested that an informative is attached to to ensure this occurs before any planning consent is granted. Upon completion of the further noise analysis the completed report should be forwarded to our department for consideration.

In addition to the above, as standard with any development we would suggest our standard amenity protection conditions during the construction phase should be attached to any consent granted.

17. **District Council Contaminated Land Officer** - The site's proposed end use is sensitive to potential contamination but the current and former uses of the site and surrounding area appear relatively innocuous. An electricity sub-station is noted to be on site, which could be considered as a potential source of contamination, although it is understood to be of modern construction and still in use, so therefore likely poses negligible risk to end users. As such, although we don't consider that any further works or remedial measures are necessary to achieve safe development, to ensure this is the case we would recommend attaching the following informative to this planning permission just to make the developer aware of their responsibilities.

If during the development contamination not previously identified is found to be present at the site, such as putrescible waste, visual or physical evidence of contamination of fuels/oils, backfill or asbestos containing materials, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved to the satisfaction of the Local Planning Authority.

18. **District Council Tree Officer** - No objections to the proposed outline development. A condition should be applied to ensure compliance with the tree protection plan and strategy that has been provided by Writtle Forest.
19. **District Council Ecology Officer** - Revision 2 of the *Extended Phase 1 Habitat Survey* report addresses my previous comments, with the exception of 2c. To minimise risks of colonisation by great crested newt during construction, all loose materials such as piles of brick/stone, sand or gravel must be stored off the ground e.g. on pallets or in skips. If this is not possible, Temporary Amphibian Fencing would be required to deter GCN from moving through the works area. However, given the distance from GCN ponds, I am satisfied that this additional requirement can be

conditioned and that, providing the approach recommended by the ecological consultants is followed, the works should comply with UK and EU law.

Therefore, please attach an appropriately-worded condition to cover the following to any consent granted:

- 1) Ecological Mitigation
- 2) A Biodiversity Management Plan (BMP)

All applications should achieve net ecological gain to meet the NPPF and SCDC planning policy including Biodiversity SPD and LDF Policy NE/6. Any Reserved Matters applications would need to demonstrate compliance with law and planning policy. I would have to object or raise concerns for any applications which did not demonstrate legal compliance or net ecological gain. Therefore, it would be prudent for the Biodiversity Management Plan to be produced before/alongside detailed design to provide a framework for the development.

20. **Archaeologist Cambridge County Council** - I am writing to you concerning the potential of archaeological implications of the above planning application.

Our records indicate that the site lies in an area of high archaeological potential, situated to the south of Roman settlement (Historic Environment Record reference MCB16337). To the north west is post-medieval moated site (01099). To the north east is Middle Iron Age farmstead (MCB16338) and Roman driveway (MCB18507). Geophysical and aerial photography surveys at Bourn Airfield to the west have revealed extensive cropmark evidence (ECB4694) and archaeological investigations to the south east at Highfields Road have revealed evidence of Iron Age settlement and occupation and post-medieval cultivation (ECB4622).

We do not object to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition such as the model condition 'number 55' contained in DoE Planning Circular 11/95:

"No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority."

This will secure the preservation of the archaeological interest of the area either by record or *in situ* as appropriate. The model condition also indicates:

Developers will wish to ensure that in drawing up their scheme, the timetable for the investigation is included within the details of the agreed scheme.

A brief for the archaeological work can be obtained from this office upon request.

Representations

21. Leyland's, Highfields Road – Support the proposals but would ask that the poplars that form the South boundary are only trimmed to allow the scheme to proceed. This will protect the established tree line. Consideration should also be given to privacy when plans are drawn up for plot 3.

Site and Surroundings

22. The application site is located outside of the village development frameworks of Caldecote and Hardwick and in the countryside (NB while the address is in Hardwick, the site lies within Caldecote parish). To the east of the site is an existing residential property known as Casa de Foseta. To the west of the site is a petrol filling station and shop. To the south is a static mobile home park and residential property known as Leylands. The site has been unmanaged for some time and as a result the site is heavily treed and is aligned with an established hedgerow.

Proposal

23. The applicant seeks outline planning permission for the erection of 6 dwellings (self-build) including access only. All other matters including appearance, landscaping, layout and scale are to be reserved.

Planning Assessment

24. The key issues to consider in the determination of this application in terms of the principle of development are the implications of the five year supply of housing land deficit on the proposals and whether the proposal is considered to meet the definition of sustainable development. An assessment is required in relation to affordable housing provision, the impact of the proposals on the character of the surrounding landscape, highway safety, the residential amenity of neighbouring properties, environmental health, surface water and foul water drainage capacity.

Principle of Development

Five year housing land supply

25. The National Planning Policy Framework (NPPF) requires councils to boost significantly the supply of housing and to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
26. 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.
27. Unless circumstances change, those conclusions should inform, in particular, the Council's approach to paragraph 49 of the NPPF, which states that adopted policies "for the supply of housing" cannot be considered up to date where there is not a five year housing land supply. The affected policies which, on the basis of the legal interpretation of "policies for the supply of housing" which applied at the time of the Waterbeach decision were: Core Strategy DPD policies ST/2 and ST/5 and Development Control Policies DPD policy DP/7 (relating to village frameworks and indicative limits on the scale of development in villages). The Inspector did not have to consider policies ST/6 and ST/7 but as a logical consequence of the decision these

should also be considered policies “for the supply of housing”.

28. Further guidance as to which policies should be considered as ‘relevant policies for the supply of housing’ emerged from a recent Court of Appeal decision (*Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes*). The Court defined ‘relevant policies for the supply of housing’ widely and held that the term was not to be restricted ‘merely policies in the Development Plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites,’ but also to include, ‘plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed.’ Therefore all policies in the adopted Development Plan which have the potential to restrict or affect housing supply may be considered out of date in respect of the NPPF.
29. The decision of the Court of Appeal tended to confirm the approach taken by the inspector who determined the Waterbeach appeal. As such, as a result of the decision of the Court of Appeal, policies including policy ST/6 of the Core Strategy and policies DP/1 (a) and DP/7 of the Development Control Policies DPD fell to be considered as “relevant policies for the supply of housing” for the purposes of the NPPF para 49 and therefore out of date.
30. However, the decision of the Court of Appeal has since been overturned by the Supreme Court in its judgement dated 10 May 2017. The principal consequence of the decision of the Supreme Court is to narrow the range of policies which fall to be considered as “relevant policies for the supply of housing” for the purposes of the NPPF. The term “relevant policies for the supply of housing” has been held by the Supreme Court to be limited to “housing supply policies” rather than more being interpreted more broadly so as to include any policies which “affect” the supply of housing, as was held in substance by the Court of Appeal.
31. The effect of the Supreme Court’s judgement is that policies ST/6, DP/1(a) and DP/7 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 policy ST/6, DP/1(a) and DP/7 and their objectives, both individually and collectively, of securing locational sustainability, accord with and furthers the social and environmental dimensions of sustainable development, and therefore accord with the Framework.
32. However, given the Council cannot demonstrate a five year supply of housing land, its policies remain out of date “albeit housing supply policies” do not now include policies ST/6, DP/1(a) and DP/7. As such, and in accordance with the decision of the Supreme Court, para 14 of the NPPF is engaged and planning permission for housing should be granted, inter alia “unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole ...”
33. This means that even if policies are considered to be up to date, the absence of a demonstrable five year housing land supply cannot simply be put to one side. Any conflict with adopted policies ST/6, DP/1(a) and, DP/7 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. The NPPF places very considerable weight on the need to boost the supply of housing, particularly affordable housing, particularly in the

absence of a five year housing land supply. As such, although any conflict with adopted policies ST/6, DP/1(a) and, DP/7 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.

34. A balancing exercise therefore needs to be carried out. As part of that balance in the absence of a five year housing land supply, considerable weight and importance should be attached to the benefits a proposal brings in terms of the delivery of new homes (including affordable homes). It is only when the conflict with other development plan policies – including where engaged policies ST/6, DP/1(a) and DP/7 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.
35. This approach reflects the decision of the Supreme Court in the *Hopkins Homes* appeal.
36. As part of the case of the applicant rests on the current five year housing land supply deficit, the developer is required to demonstrate that the dwellings would be delivered within a 5 year period. Officers are of the view that the applicant has demonstrated that the site can be delivered within a timescale whereby weight can be given to the contribution the proposal could make to the 5 year housing land supply.
37. The site is located outside both the Caldecote and Hardwick village frameworks, in the open countryside, where policy DP/7 of the LDF and Policy S/7 of the Draft Local Plan state that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. The erection of a residential development of 6 dwellings would therefore not under normal circumstances be considered acceptable in principle since it is contrary to this adopted and emerging policy.
38. Development in Group Villages (the current and emerging status of Caldecote) is normally limited under policy ST/6 to schemes of up to an indicative maximum of 8 dwellings, or in exceptional cases 15, where development would lead to the sustainable recycling of a brownfield site bringing positive overall benefit to the village. This planning objective remains important and is consistent with the NPPF presumption in favour of sustainable development, by limiting the scale of development in less sustainable rural settlements with a limited range of services to meet the needs of new residents in a sustainable manner.
39. By proposing 6 dwellings, the scheme would meet the indicative maximum of 8 on a greenfield site. The principal consideration is that the NPPF requires development to be assessed against the definition of sustainable development. Specifically in relation to the size of development in or on the edge of Group Villages, the Inspector in the recent Over appeal decision (18 January 2017) stated that ‘...the strict application of the existing settlement hierarchy and blanket restriction on development outside those areas would significantly restrain housing delivery.....this would frustrate the aim of boosting the supply of housing.’
40. In light of the above, it is not appropriate, in the case of all Group Villages, to attach the same weight to policy DP/7 and DP/1(a) in the ‘blanket’ way. It is necessary to consider the circumstances of each Group Village to establish whether that village can accommodate sustainably (as defined in the NPPF) the development proposed, having

regard in particular to the level of services and facilities available to meet the needs of that development. Similarly, each planning application must be assessed on its own merits.

41. The proposals are assessed below against the social and economic criteria of the definition of sustainable development.

Environmental Sustainability

Landscape and Countryside Impact

42. The site is enclosed by development on all three of its shared boundaries. Whilst there would be a clear intensification to the site the impact to the landscape and countryside would be negligible in this instance. The proposed development would accord with policy DP/2 and NE/4 of the Local Development Framework by preserving local character. Another more detailed assessment will need to be made when considering each of the reserved matters schemes.

Loss of trees, hedgerows and ecology enhancements

43. The Council's Tree and Landscape Officer has worked alongside the applicant to retain the most important trees/hedgerows on and around the application site including the Tree Preservation Orders.
44. There are a number of trees in the centre of the site at present that are of limited ecological value and will need to be removed as part of any reserved matters scheme. A condition will be implemented on any decision notice for details of ecological enhancement.

Social Sustainability

Sites accessibility to services and facilities

45. Paragraph 7 of the NPPF states that the social dimension of sustainable development includes the creation of a high quality built environment with accessible local services. As such, this scale of development must be considered in light of the facilities in Caldecote and the impact of the scheme on the capacity of public services.
46. The site lies adjacent to a petrol filling station which has a small convince store. On the opposite side of the road adjacent to the roundabout, is a bus stop with regular bus services into Cambridge and into Cambourne Monday-Sunday. The site is within an accessible distance form these facilities.
47. Other facilities within Caldecote including the primary school, social facilities and sports facilities would be some distance from the site and therefore, might put off some occupiers from walking and cycling to the facilities on a daily basis. However, those people that do wish to walk or cycle would be able to do so on a safe and lit footway with the majority of the route being aligned with residential houses.
48. In this instance, there would be some conflict with policy DP/1(a) and para 7, however, it is not considered to be adverse to an extent that it would outweigh the benefits of the provision of additional housing and self-build housing in the context of the Council's lack of a 5 year housing land supply and the Councils status as a Vanguard authority.

49. The Council would not request any contributions toward community facilities or public open space given the size of the site and the proposal being under 10 units.

Self-build and custom-build concept in decision-making

50. In March 2015 the government introduced the Self-build and Custom Housebuilding Act 2015 (the 2015 Act). This places a duty on certain public authorities to maintain a register of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects and places a duty on public authorities to have regard to those registers in carrying out planning and other functions including housing, regeneration. The 2015 Act now also places a legal duty on authorities to grant sufficient development permission to meet the demand for self-build and custom build in its area.
51. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications shall be determined in accordance with the development plan, unless material considerations indicate otherwise. At present Council does not have a specific adopted or emerging local planning policy for the provision of self-build and custom build sites in the district. Therefore, in determining this application members will need to have regard to national planning policy.
52. In terms of national planning policy, paragraphs 47 and 50 of the NPPF seek to significantly boost and deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mix communities.
53. The national planning guidance note para 14 states 'registers that relate to the area may be a material consideration in decision taking'. The concept does, however, needs to be weighed against all other material considerations by the decision maker.
54. In 2015 South Cambridgeshire District Council successfully bid for and won DCLG funding to become a Right to Build Vanguard Authority. Since then the Council has created a self and custom build function which aims to support people to design and build their own homes at potentially a lower cost than buying an existing property.
55. Off the back of this and in accordance with the 2015 Act, the Council maintains a register which currently is 700 people interested in a serviced plot within the district. Given that the Council have progressed to becoming a vanguard authority and given the number of members on the register, both factors are considered to be a material consideration to the determination of any planning application. The provision of serviced plots will also meet the aims of paragraph 50 which seek to deliver a wide choice of homes which in turn could significantly boost the supply of housing.
56. The proposed development if approved will make a small contribution to the demands of the register at first observation, but given, that it's a relatively new concept for the Council as a vanguard authority and that it's unusual for a site of six units to come forward under a single consent, officers advise that substantial weight should be given to these factors in favour of the development.

Affordable housing provision

57. As mentioned previously in para.50, planning law requires that planning applications shall be determined in accordance with the development plan, unless material

considerations indicate otherwise.

58. Development Control Policy HG/3 of the Council's adopted Development Plan Document July 2007 requires the provision of affordable housing at a threshold of two properties, but the Council has proposed raising this threshold to three to secure consistency with policy H/9 of its emerging Local Plan.
59. A Written Ministerial Statement (WMS) was issued on 28 November 2014 which seeks to limit affordable housing and tariff style section 106 contributions to developments that are of ten units or less, and which have a maximum combined gross floor space of 1,000 square metres.
60. Although weight may be given to the WMS in the determination of planning applications, it has been accepted by the Minister and, recently by the Planning Inspector in a letter of March 2017 to the London Borough of Richmond upon Thames that the WMS does not of itself override an inconsistent policy in an adopted development plan, which, by s.38(6) of the Planning and Compulsory Purchase Act 2004 is the starting point for any planning decision.
61. Such an approach also accords with the decision given by the Court of Appeal in R (West Berkshire DC) v Secretary of State for Communities and Local Government [2016] 1 WLR 3923. There is now a growing body of appeal decisions where the policies of an adopted development plan continue to be given weight in planning decisions notwithstanding that these policies do not conform with the affordable housing thresholds set out in the WMS.
62. Since the Court of Appeal decision as to the WMS the Council has successfully defended two appeals where the Council's justification, derived from local circumstances, as to the provision of affordable housing on smaller sites was accepted by the Planning Inspector. The local circumstances include:
 - The high level of housing need across the District
 - That the blanket policy would prevent affordable housing being delivered in 87 out of 105 of our villages (Group Villages and Infill Only Villages)
 - That the development control policies recognise viability in decision taking
 - The Council has a strong track record of delivering affordable housing on market led sites (of 2 or more dwellings) since 2007
 - That the Council have proved (through completed viability appraisals) that the vast majority of schemes including the two appeal schemes remained viable whilst providing affordable housing
63. Therefore, affordable housing provision is material to the determination of this planning application and you are advised to give full weight to policies HG/3 and H/3 of the Local Development Framework.
64. Given the nature of the proposed development, it would be unrealistic to seek affordable housing provision in the usual manner onsite. However, in lieu of policy led onsite provision, it is considered that a commuted sum policy approach be applied in this case.
65. As this is the first application of this nature and given that it's a pilot scheme, the Council's Housing Development Officer (Growth) estimated the commuted sum payment based on the difference in residual value between a viable developments of 6 houses providing 40% affordable housing. This was based on the estimated costs provided by the applicant with reference to BCIS. The Homes and Community Agency

DAT models were also produced. The commuted sum value is in this instance for the whole site would amount to £155,452.

66. The applicant has offered to complete a s106 Agreement in which (i) 50% of the commuted sum attributable to each of the six plots will be payable prior to the first occupation of each dwelling (ii) in the event there is a disposal of the property within 3 years of the date of first occupation then the remaining 50% of the commuted sum falls to be paid to the Council and after the 3 year period the liability for the remaining 50% falls away; (iii) an obligation that the property will be the purchaser's main residence for the three year period; and (iv) the purchaser of a plot on the site must be on the Council's self build register.
67. On this basis and in the absence of any specific existing policy, officers are content that all reasonable measures have been explored in order to secure an affordable housing contribution and at the same time ensuring that the Council's affordable housing policy does not prove to be a barrier to the self-build project. Whilst the application does involve a departure from the usual application of policy HG/3 and H/3 and the affordable housing SPD, very special circumstances are considered to be evidenced and justified in this particular case with weight being applied to the objectives of the 2015 Act and the Council's vanguard authority status.

Economic Sustainability

68. The provision of 6 new dwellings might give rise to employment during the construction phase of the development, and has the potential to result in an increase in the use of local services and facilities, both of which will have limited benefit to the local economy given the size of the development.
69. Overall, it is considered that the proposed development would achieve the social and economic elements of the definition of sustainable development.

Density and Mix of development

70. The scheme would be of a lower density than required by policy HG/1 of the LDF and emerging Local Plan policy H/7 at approximately 8 dwellings per hectare. However, both policies include the caveat that a lower density may be acceptable if this can be justified in relation to the character of the surrounding locality. Given that the application site is located on the edge of the settlement in the countryside and that it is a self-build pilot site it is considered that this proposal would meet the exception tests of the current and emerging policy with regard to the density of development.

Design, appearance and scale

71. All of these matters are to be considered at reserved matters stage. Officers are of the understanding that each of the individuals will be submitting a reserved matters application for each plot. This is likely to be at different times.
72. The application is for six units only therefore officers do not consider it necessary to impose a condition for a design code. This is no different than any other application of this scale within the district. However, design clues and the general scale of development should be taken into account together with the surrounding area before drawing up a reserved matters application.
73. The majority of development along this part of St Neots Road is single storey or one-half storey units. The units are set back from the main road in order to retain a

treed/hedgerow frontage. These factors help in retaining the semi-rural and edge of village feel to the area. Therefore, tall two or three storey buildings are unlikely to be acceptable in this location. At this stage, officers do not think it's reasonable to restrict heights of the development given that these matters can be addressed in the reserved matters.

Trees

74. The District Council Tree Officer has raised no objections to the proposals subject to a condition should be applied to ensure compliance with the tree protection plan and strategy that has been provided by Writtle Forest..

Ecology

75. The Ecology Officer has raised no objections to the application following the submission of Great Crested Newt details. Measures to protect nesting birds and ecology enhancements will need to be included on any decision notice. Updated biodiversity management plan will need to be submitted addressing the points raised by the ecology officer. As such the proposals comply with policy NE/6.

Highway safety and parking

76. Given the relatively low density of the scheme, it is considered that there would be sufficient space to locate 2 car parking spaces on each plot, meeting the requirements of the LDF standards of 1.5 spaces per dwelling across developments with additional room for visitor parking. The plans were updated to ensure the access has the requested visibility splays.
77. The proposals are therefore considered to comply with the requirements of policy DP/3 in terms of highway safety and the traffic generated as agreed by the Local Highways Authority.

Residential amenity

78. The application is in outline and therefore the layout plan submitted is for illustrative purposes only. However, officers need to be satisfied at this stage that the site is capable of accommodating the amount of development proposed, without having a detrimental impact on the residential amenity of occupiers of adjacent properties. Given the low density of the site, officers consider there will be sufficient room on the site accommodate the dwellings.
79. Issues relating to overlooking, overshadowing or causing a loss of privacy cannot be assessed at outline stage given the limited details that have been submitted with the application. Any reserved matters application will need to ensure each factor has been sufficiently mitigated in accordance with the Councils standards in the District Design Guide SPD. Once each reserved matters application is approved this will become a material consideration for the other plots to address in the design.
80. Given the site lies adjacent to the petrol filling station a noise assessment was submitted and considered by the Council's Environmental Health Officer. The report recommended that noise mitigation measures should be included in any detailed design stage and that the existing noise impacts would not cause adverse impacts to residential amenity.
81. Standard conditions relating to the construction phase of the development have been

recommended by the EHO and these can be attached to the decision notice.

82. It is considered that the proposed number of units can be accommodated on the site without having any adverse impact on the residential amenity of the occupants of each of the plots within the development in accordance with policy DP/3 which seeks to prevent an unacceptable impact on residential amenity.

Surface water and foul water drainage

83. The site is located within flood zone 1 (lowest risk of flooding). Specific details on site levels, existing surface water run off rates, full details of the capacity of attenuation measures, flow control mechanisms and maintenance will be required at the reserved matters stage and can be secured by condition at the outline stage.
84. On the issue of foul water drainage capacity, the Inspector determining the appeal for 140 dwellings east of Highfields Road stated that 'incidents of flooding and breakdown have occurred at the pumping station, leading to smells and noise, but Anglian Water has indicated that the pumping station has the capacity to pump the additional outflow from the proposed development. On the face of the evidence, there is no reason to consider that foul drainage is a reason to dismiss the appeal.'
85. Whilst the issues relating to drainage are noted, given that there is capacity within the network and the issues are connected to maintenance of the network, there are no grounds to refuse the application in this regard that could be successfully defended at appeal. A condition will be included on any decision notice for a foul water.

Other matters

86. Contamination

The site is considered to be a low risk in relation to land contamination and as such an informative as recommended by the Contaminated land officer can be included.

Archaeology

87. Cambridgeshire County Council records indicate that the site lies in an area of high archaeological potential, situated to the south of Roman settlement (Historic Environment Record reference MCB16337).
88. To the north west is post-medieval moated site (01099). To the north east is Middle Iron Age farmstead (MCB16338) and Roman driveway (MCB18507). Geophysical and aerial photography surveys at Bourn Airfield to the west have revealed extensive cropmark evidence (ECB4694) and archaeological investigations to the south east at Highfields Road have revealed evidence of Iron Age settlement and occupation and post-medieval cultivation (ECB4622).
89. The County Council have not objected to development from proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition such as the model condition.

Conclusion

90. Given the fact that the Council cannot currently identify a five year supply of housing land, in accordance with the guidance in paragraph 14 of the NPPF, in balancing all of

the material considerations, planning permission should be granted unless the harm arising from the proposal would 'significantly and demonstrably' outweigh the benefits.

91. The proposed development would provide a modest number of dwellings, all of which will be homes for self-builders. The development would also provide a commuted sum towards off-site affordable housing provision. These are benefits which should be given significant weight in the determination of the planning application.
92. It is considered the proposal would not result in a significant adverse impact on the character of the landscape. The design and appearance of the units will need to be resolved at the reserved matters stage. However, it is considered that the number of units proposed could be achieved in a manner that would preserve the residential amenity of neighbouring properties.
93. Although the site is located outside the development framework of a group village, accessibility to services and to public transport is considered adequate. 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 under the current circumstances.
94. In terms of the balance required by para 14 of the NPPF, the absence of a five year housing land supply means the conflict with these policies is not considered to significantly and demonstrably outweigh the benefits of the proposal particularly in terms of the contribution which it would make to providing self-build plots.
95. Officers recommend that the Committee delegates to the Joint Director for Planning and Economic Development to grant planning permission subject to:

Section 106 Agreement

96. The prior completion of a s106 Agreement to secure the following heads of terms or as may be reasonable in the circumstances and agreed by the planning officer and Chairman

Conditions

97.
 - (a) The development shall be carried out in accordance with the following approved plans: 0140-001revB, Location Plan 1:2500
(Reasons - To facilitate any future application to the Local Planning Authority)
 - (b) Approval of the details of the layout of the site, the scale and appearance of buildings, the means of access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline only.)
 - (c) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(Reason - The application is in outline only.)
 - (d) Prior to the commencement of any development on the specific plot the development relates to, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in

accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.

(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

- (e) Prior to the commencement of any development on the specific plot the development relates to, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.
(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
- (f) No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)
- (g) Two 2.0 x 2.0 metres visibility splays shall be provided in accordance with drawing no.0140/001B. The splays are to be included within the curtilage of each of the new dwellings. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.
(Reason - In the interest of highway safety in accordance with DP/3 of the Local Development Framework)
- (h) During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays or before 0800 hours and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- (i) All works shall proceed in strict accordance with the recommendations detailed in section 4.2 of the Extended Phase 1 Habitat Survey report Revision 02 (Prime Environment Limited, March 2017). This shall include avoidance and mitigation measures for great crested newts, reptiles, nesting birds, bats and badgers. In addition all loose materials which could be colonised by great crested newts shall be stored off-ground during work for examples on skips or pallets. If any amendments or recommendations as set out in the report are required, the revisions shall be submitted in writing to and agreed by the Local Planning Authority.
(Reason - To minimise disturbance, harm or potential impact on protect species in accordance with policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007)
- (j) A Biodiversity Management Plan (BMP) for the whole of the site shall be

submitted to the Local Planning Authority for approval in writing before any works commence on site (this does not include site clearance or any other investigation work). The content of the BMP shall include:

- Description and plan showing the features to be managed including areas of retained habitats and a specification for created or enhanced habitats including an area suitable as a reptile Receptor Site;
- A protocol for how works will proceed if more than five reptiles are found during site clearance or if any reptile is killed or injured;
- Aims and objectives of management;
- Prescription of management actions;
- A work schedule i.e. an annual work plan; and
- Details of responsibilities for the long-term funding and implementation of the plan including ongoing monitoring and remedial measures.

The plan shall be implemented in accordance with the approved details.

(Reason - To protect existing priority habitats and to enhance the site for biodiversity in accordance with the NPPF and policy NE/6 of the adopted Local Development Framework 2007)

- (k) Any reserved matters application should take into account the recommendations and findings of the Acoustical Control Engineers and Consultants report dated 5 December 2016. Further noise analysis will be required at detailed design stage.

(Reasons - To ensure the development does not have an adverse impact on indoor or outdoor acoustic environment in accordance with NE/15 of the adopted Local Development Framework 2007)

- (l) All works shall proceed in strict accordance with the recommendations detailed in Writtle Forest Plan No.001Rev1 and Arboricultural Implication Assessment dated 03.08.2016.

(Reasons - To ensure the development preserves the character of the local area in accordance with DP/2 and NE/16 of the adopted Local Development Framework 2007)

Informative

98. 1. If during the development contamination not previously identified is found to be present at the site, such as putrescible waste, visual or physical evidence of contamination of fuels/oils, backfill or asbestos containing materials, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved to the satisfaction of the Local Planning Authority.

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 Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning

Documents (SPD's)

- South Cambridgeshire Local Plan Submission 2014
- Planning File Reference: S/1124//17/OL

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