

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 November 2017

AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/2341/17/FL

Parish(es): Over

Proposal: Erection of single dwelling

Site address: 16 Mill Road, Over CB24 5PY

Applicant(s): Mr I Corney

Recommendation: Approval

Key material considerations: Five year supply of housing land
Principle of development
Density of development
Impact on area
Highway safety
Residential amenity of neighbouring properties
Surface water and foul water drainage

Committee Site Visit: Yes

Departure Application: Yes (Advertised 27 September 2017)

Presenting Officer: Rebecca Ward, Principal Planning Officer

Application brought to Committee because: The Parish Council requested the application be considered by the Planning Committee and the applicant's partner is a District Councillor and member of the Planning Committee.

Date by which decision due: 10 November 2017

Relevant Planning History

1. S/1827/14/OL - Outline application - Erection of one dwelling - Allowed at appeal on 3 June 2015

S/2890/16/RM - Reserved Matters Application following approved Outline Application S/1827/14/OL (Erection of One Dwelling) for the appearance, landscaping, layout & scale - Approved on 9 February 2016

S/1850/17/OL - Outline planning application for erection of detached dwelling with some matters reserved apart from access - Withdrawn

National Guidance

2. National Planning Policy Framework 2012 (NPPF)
Planning Practice Guidance
3. **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The extent to which any of the following policies are out of date and the weight to be attached to them is addressed later in the report.
4. **South Cambridgeshire LDF Core Strategy DPD, 2007**
ST/2 Housing Provision
ST/6 Group Villages
5. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
HG/1 Housing Density
NE/4 Landscape Character Areas
NE/9 Water and Drainage Infrastructure
NE/11 Flood Risk
NE/17 Protecting High Quality Agricultural Land
TR/2 Car and Cycle Parking Standards
6. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
Landscape in New Developments SPD - Adopted March 2010
Biodiversity SPD - Adopted July 2009
District Design Guide SPD - Adopted March 2010
7. **South Cambridgeshire Local Plan Submission - March 2014**
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development
S/7 Development Frameworks
S/10 Group Villages
HQ/1 Design Principles
H/7 Housing Density
H/8 Housing Mix
NH/2 Protecting and Enhancing Landscape Character
NH/3 Protecting Agricultural Land
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk
TI/3 Parking Provision

Consultation

8. **Over Parish Council** - Over Parish Council objects to this application. Please see attached consultation response included as appendix 1 to this report.
9. **District Council Environmental Health Officer (EHO)** - No objections subject to the following conditions:
 - Limiting the hours of building operations
 - Burning of waste
 - Details of pile foundations if used
10. **Cambridgeshire County Council Local Highway Authority (LHA)** - In a letter dated

25 July 2017, the LHA requested the application be refused as the applicant had failed to provide an acceptable drawing showing the required visibility splays (2.4mx43m).

Update September 2017: No objections raised. The Local Highway Authority would also recommend the following conditions:

- Traffic Management Plan
- 2x2 pedestrian visibility splays
- Falls and levels are such that no private water from the site drains across the adopted public highway
- Constructed of a bound material
- Gates are set back 5m from the highway
- Informative regarding works in the highway

11. **Drainage Engineer** - No objections to the application following the submission of surface water drainage scheme. Connection to the awarded drain to the east has been implemented and confirmed. No further conditions are required.

Representations

12. Eleven letters of objection were received on the planning application. In summary the following concerns were raised :
- Drainage and flooding
 - Clear definition of the ditch ownership and responsibilities
 - Capacity of the ditch running to the rear of No-18 to No.24
 - No movement of water in the ditch concerns additional flows will worsen the situation
 - Capacity of Mill Road to take extra vehicle movements
 - Not within the village development framework
 - Access not sufficient to take private and commercial traffic
 - Not in keeping with the surrounding pattern of development
 - The development would not accord with the earlier appeal decision
 - No dimensions are on the plans
 - Request that a dwelling is kept to a minimum of 7m in height
 - Planting scheme has not been implemented for No.16 Mill Road
 - Additional planting required for the proposed dwelling
 - Cumulative development

Site and Surroundings

13. The site is located outside the Over village framework and on land designated as countryside. It is situated to the south of Mill Road, on the eastern edge of the village. The site will be accessed from Mill Road through an existing drive (between nos.12 and 18 Mill Road).
14. The site measures 0.11 hectares in area and currently is part of the residential curtilage to No.16 Mill Road. No.16 and its associated garage has been recently built under planning permission S/1827/14/OL and subsequent reserved matters application reference S/2890/16/RM.
15. There is a hedge with trees along the southern boundary of the site and a 1.8m high close-boarded fence along the western boundary; beyond this are residential properties and their gardens. There are also private ditches along the southern and western boundaries of the site.

Proposal

16. The applicant seeks full planning permission for the erection of a single dwelling. The site will be accessed via Mill Road. The plans were amended on the 11 September 2017 to include the following :
- Drainage design statement
 - Visibility splays
 - Obscure glazed window to west elevation and window added to north elevation
 - Visibility splays

Planning Assessment

17. 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.
18. An assessment is required in relation to the impact of the proposals on the character of the surrounding area, highway safety, the residential amenity of neighbouring properties, environmental health, surface water and foul water drainage capacity.

Principle of Development

Five Year Housing Supply

19. 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.
20. 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.
21. 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 would also have been considered policies "for the supply of housing".
22. Further guidance as to which policies should be considered as 'relevant policies for the supply of housing' has emerged via 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.

23. 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.
24. 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 ...”
25. 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.
26. 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. 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.
27. This approach reflects the decision of the Supreme Court in the *Hopkins Homes* appeal. Officers are of the view 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.
28. The site is located outside the Over village framework, 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 unit would therefore not under normal circumstances be considered acceptable in principle since it is contrary to this adopted and emerging policy.

29. Development in Group Villages (the current and emerging status of Over) 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.
30. By proposing a single dwelling or when taken cumulatively with the other dwelling on the site, the scheme would not exceed the indicative maximum of 8 on a greenfield site and therefore would have met the policy objective above.
31. Notwithstanding this, 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.
32. The proposals are assessed below against the environmental, social and economic criteria of the definition of sustainable development.

Access to services and facilities

33. Over is designated as a Group Village in the Local Plan and has a range of services and facilities including; a primary school, doctors surgery, mobile library service, village store, hair dressers, garage, community centre and hall, church, allotments and recreation and play ground.
34. Whilst the village does not provide the level of services a minor rural centre would, officers consider this level of provision is suitable to meet everyday needs. The addition of a single dwelling or when taken cumulatively with the dwelling that has been built, would have no material adverse or beneficial impacts on existing services.
35. As previously pointed out, the site lies on the eastern edge of the village with Mill Road running beside the site access, linking pedestrians to the services and facilities of the village. There is a bus stop at the end of the drive, with services to Cambridge throughout the day. The guide bus way is situated just outside the village with sufficient space for cycle parking. Some residents might wish to make the extra journey to get more direct services.
36. For the above reasons officers consider that the plot is within a sustainable location in accordance with policy DP/1b and TR/1 of the Local Development Framework and would not be in an isolated location in accordance with paragraph 55 of the NPPF.
37. It should be noted that the inspector in the 2014 appeal reached the same conclusion. Since then there has also been another appeal granted on Mill Road for a scheme of 55 dwellings whereby the location was deemed to be acceptable.

Impact on character and appearance of the area

38. Policy DP/2 of the DCP states that all new development must be of a high quality design and as should be appropriate to the scale and nature of the development which should amongst other things; preserve or enhance the character of the local area and be compatible with its location and appropriate in terms of scale, mass, form and design in relation to the surrounding area.
39. Paragraph 60 of the national framework states that decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
40. *Layout and Siting*
The proposed dwelling is located on the northern boundary of the site, adjacent to the access point. The proposed dwelling would not relate to any buildings to the west (garden area of No.3a) or to the east (paddock area). The dwelling would however be sited in-between nos. 16 and 18 Mill Road and therefore would moderately be compatible within its location following this line of development.
41. Given that the dwelling is located 65m from Mill Road and 60m from Whines Lane, the impact of the development to the street-scene is going to be more limited. On this basis, officers do not consider that its location or siting would harmfully affect the character of the area to warrant the application for refusal.
42. *Scale, Mass and Form*
The overall height of the dwelling at 7m will largely match surrounding houses. The stepped approach to the main bulk of the house and the flat roof projection will reduce the overall scale and mass. The general layout will present an alternative design form to the area, however, given that there is a mix in the area already and by virtue of its distance from the street-scene, officers consider the form of the dwelling would preserve the character of the area and be compatible in its location.
43. *Appearance*
There is a range of style properties in the immediate area. No 4. Whines Lane is a one and a half storey dwelling with a pitched roof and gable-ends finished in a dark brick, while no 3a is a two storey dwelling with a hipped roof, finished in a lighter brick. Nos.18-22 are of a more uniform two storey design in a grey brick and Nos.10 and 12 are single storey bungalows finished in a yellow/orange mix brick. For these reasons, officers do not consider there to be a predominant design in the local area that needs to be replicated for the proposed dwelling. Furthermore, the fact the site has limited public views from the east also gives some flexibility to the design approach.
44. The main elevations, which will be seen from public views, are the northern end with the flat roof projection and the chimney (seen from the access at Mill Road). The proposed development will introduce another modern design form to the area. However, given there is not a predominant design form, the structure is considered to be compatible with the area.
45. Conditions will be required for details of materials and a soft landscaping scheme. For the above reasons, the proposed development on balance is considered to generally accord with policies DP/2 and DP/3 of the DCP and paragraph 60 of the NPPF as it would preserve the character of the area and be compatible within its location.

Highway safety and parking

46. Access to the site is between No.12 and No.18 Mill Road. This is an existing vehicular access. The width will be increased to 5m as part of this proposal. The drive is 50m in length (until it reaches the paddock). A 1.8m close boarded fence and hedging separates the drive from the residential properties.
47. The proposed development will intensify the use of the access point onto Mill Road. Local residents have raised concerns to the impact it would have on the number of vehicles coming and going from the site but also the impact on Mill Road. When taken together with the existing dwelling on the site, the provision of two residential units would not be a cause for concern on highway safety grounds given that the speed of vehicles on Mill Lane is relatively low and that there is adequate visibility when emerging from the site. Amended plans include the required visibility splays requested by the LHA.
48. The LHA has raised no objections to the proposal on these grounds. The proposed development would therefore accord with policy DP/3 of the DCP. The LHA has requested a Traffic Management Plan condition is included on the decision notice. Given the size of the site with plenty of room to store materials, accommodated contractor parking etc., officers consider a TMP to be unnecessary and therefore unreasonable. The gates on the access drive are set 10m from the highway boundary and therefore the proposed condition is not needed. The other conditions are both necessary and reasonable and will be applied.
49. Given the relatively low density of the scheme, it is considered that there would be sufficient space to locate 2 car parking spaces on the plot, meeting the requirements of policy TR/2 of the DCP.

Residential amenity

50. Impact to No.18 Mill Lane - The proposed dwelling is sited 13m from the shared boundary with No.18, with the closest first floor windows being located 22m. No.18 has a swimming pool in their rear garden. The siting of the dwelling would exceed the guidance in the Council's District Design Guide, whereby first floor windows should be located 15m from the shared boundary so as not to cause any direct overlooking to garden amenity areas. As such, no adverse overbearing, overlooking or overshadowing impacts will be apparent.
51. The access road will be constructed of a bound material and therefore noise from additional cars will not cause a significant impact on residential amenity to the occupants of either adjoining property.
52. Impact to No.3a Whines Close - The western gable end will be sited 6m from the shared boundary with No.3a Whines Lane. The first floor side facing window has now been removed and therefore no significant impacts will be apparent. A condition will protect this in perpetuity.
53. Subject to the EHO proposed condition re working hours for building operations, the development is considered to accord with policy DP/3 of the Local Development Framework as it will not have an unacceptable adverse impact on residential amenity.

Surface water and Foul water drainage

54. The site is located within flood zone 1 (lowest risk of flooding). A private ditch runs along the northern and western boundary of the site. The northern ditch connects into the awarded ditch to the far east of the paddock.
55. A condition was applied to the previous planning application for a surface water drainage scheme. The scheme included the provision of a permeable driveway and a water chamber, which collects water from the site, and controls flows of water into the ditch to the north. This has now been implemented by the applicant.
56. Concerns have been raised about whether there is capacity for the additional flows to be taken by an additional dwelling on the site.
57. The drainage engineer has reviewed the plans and has visited the site and confirms that the drainage system is now adequate to take the run-off from the additional unit in this application. Therefore, the scheme would accord with policy NE/9 of the Local Development Framework.
58. Foul drainage from the proposed dwelling will be connected to the private drain serving the original plot and then drain into the public sewer on Mill Road.
59. The ownership of the ditches and their on going maintenance is a civil matter between the respective parties and is not a material consideration in the determination of this planning application.

Conclusion

60. 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.
61. The development would be outside the village framework of Over within both the adopted and emerging development. As such, there is a conflict with policies DP/7. However, in the absence of a five year housing land supply, this conflict needs to be balanced against the benefit of the proposal in terms of its contribution to the supply of housing (and affordable housing) in accordance with para 14 of the NPPF. In this regard the policy DP/7 has to be given reduced weight.
62. In terms of social and economic benefits, the proposed development would provide a single market dwelling. It would therefore only contribute in a small way towards the undersupply of homes and bring only limited economic benefits.
63. The site is, however, in a good location in relation to the services and facilities within the village and has good transport connections to other service centres. Therefore future occupiers could have a reduced dependency on a car. Given that the site is predominately surrounded by residential dwellings, there would be very limited environmental and landscape harm.
64. Officers consider the proposal would represent a sustainable form of development, having regard to paragraphs 14 and 49 of the NPPF. The limited impact on the countryside and setting of the village and the conflict with policy DP/7 of the DCP is not considered to significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole. Officers therefore consider that planning permission should be granted.

Recommendation

65. Officers recommend that the planning committee grants planning permission, subject to the following:

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. (Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drwg.470-P-01A, 470-P-02B, 050-2016-11-P1. (Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- 3) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- 4) Prior to the occupation of the dwelling house, full details of soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. The dwelling shall not be occupied until the landscape scheme has been implemented in accordance with the agreed details. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
- 5) The surface water drainage scheme shall be constructed and completed in accordance with the recommendations in letter dated 7 September 2017 (ref:050/2016/02/DSH) 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.)
- 6) 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.)
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be

constructed in the western side elevation of the dwelling at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason – To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- 8) Apart from any top hung vent, the proposed first floor windows in the western side elevation of the building, hereby permitted, shall be fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 in obscurity) and shall be permanently fixed shut. The development shall be retained as such thereafter. (Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 9) The visibility splays shall be retained in accordance with plan P-02 revB. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times. The inter vehicles visibility splays must be within the existing adopted public highway or land under the control of the applicant. (Reason -To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access)
- 10) The proposed driveway shall be constructed using a bound material to prevent debris spreading onto the adopted public highway and shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public water. (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives

- 1) The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.
- 2) There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department.
- 3) 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.

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/2341/17/FL

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