

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 10 January 2018
AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/1769/17/OL

Parish(es): Great Shelford

Proposal: Outline Planning Permission for Demolition of Existing Garage on the site and development of 3 detached dwellings with access and layout included all other matters are to be reserved.

Site address: Land off Macaulay Avenue, Great Shelford

Applicant(s): Laurence Castle, South Cambridgeshire District Council

Recommendation: Approval

Key material considerations: Five year supply of housing land
Principle of development
Sustainability of the location
Density of development and affordable housing
Impact to the local area
Residential amenity of neighbouring properties
Highway safety - access
Surface water and foul water drainage
Provision of formal and informal open space
Section 106 Contributions

Committee Site Visit: Yes, 31 October 2017

Departure Application: No

Presenting Officer: Rebecca Ward, Principal Planning Officer

Application brought to Committee because: Applicant is South Cambridgeshire District Council

Date by which decision due: January 2018

Executive Summary

1. The application was granted delegated approval on 9 August 2017 subject to a section 106 agreement to secure affordable housing provision and the plots as self-build properties. The application remains undetermined pending the completion of the agreement. It has been brought back to planning committee due to a change in the Council's application of affordable housing policy.
2. On 11 December 2017, the Planning Portfolio Holder (PPH) considered a report on

Affordable Housing Thresholds. A copy of that report is attached as appendix 1. In summary, the PPH has noted that affordable housing provision will only be required on developments of 11 dwellings or more, or on sites of less than 11 units if the combined gross internal floorspace of the proposed development exceeds 1,000 sqm. This is in accordance with the Government's Written Ministerial Statement 2014.

3. The proposed scheme would fall under this threshold and therefore it would be both inappropriate and unreasonable to secure any affordable housing obligations in this instance. Officers therefore advise members to note and remove this provision.
4. In addition, given the site's location within the village framework, the need for a legal agreement to secure the units specifically as self-build plots is not required to make the development acceptable. This does not stop them coming forward as such and that still remains the intention. The planning assessment and the conclusions in this report have therefore been amended to reflect these material changes in circumstances. The scheme has still been reconsidered in accordance with paragraph 14 of the National Planning Policy Framework (NPPF). No further consultation has been considered necessary.

Planning History

5. None of relevance

National Guidance

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

Development Plan Policies

7. 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.

South Cambridgeshire LDF Core Strategy DPD, 2007

ST/2 Housing Provision
ST/5 Minor Rural Centres

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
HG/2 Housing Mix
HG/3 Affordable Housing
NE/6 Biodiversity
NE/9 Water and Drainage Infrastructure
NE/11 Flood Risk
CH/4 Development in the setting of Listed Buildings
TR/1 Planning For More Sustainable Travel
TR/2 Car and Cycle Parking Standards
TR/3 Mitigating Travel Impact

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

9. **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/9 Minor Rural Centres
HQ/1 Design Principles
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
NH/4 Biodiversity
NH/14 Heritage Assets
CC/1 Mitigation and Adaptation to Climate Change
CC/3 Renewable and Low Carbon Energy in New Developments
CC/4 Sustainable Design and Construction
CC/6 Construction Methods
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments

Consultation (as originally undertaken)

10. **Great Shelford Parish Council** - No objections
11. **Strategic Housing Department** - No comments received
12. **Cambridgeshire County Council (Local Highway Authority)** - No objections to the proposed development. However, comments that the loss of off street car parking may result in an increase of demand for on street car parking which may result in some loss of residential amenity. The following standard conditions were also recommended; use of a bound material for driveways and suitable levels.
13. **Drainage Officer** - No objections subject to conditions for a foul and surface water drainage scheme
14. **Contaminated Land Officer** - The above site comprises a number of disused domestic garages with asbestos roofing and surrounded by poor quality concrete hard standing. The proposed use is one which is highly sensitive to the presence of contamination (residential) and the EPS report has identified a number of potential contaminant linkages. The report makes recommendations for intrusive investigation and subsequent risk assessment of the site to assess its suitability for the proposed use. Therefore a full-contaminated land condition has been requested.
15. **Tree Officer** - No objection to this application in principle. The application has the benefit of an arboricultural report, which is clear and fit for purpose but includes

comment only upon the constraints imposed by trees because there is no layout upon which to comment.

A forthcoming detailed application will be expected to be supported by an updated arboricultural report and tree protection strategy. The acceptability of the development will be dependent upon the proposed layout and its juxtaposition with trees.

Prior to commencement the applicant should submit an updated arboricultural report and tree protection strategy via planning condition.

16. **County Council Archaeology Team** - Our records indicate that the site lies in an area of high archaeological potential, situated in a significant multi-period landscape. Archaeological investigations adjacent to the site identified multi-period remains (Historic Environment Record reference ECB1197) including medieval settlement evidence (CB15542), with Romano-British settlement evidence to the north east (CB15538). Granham's Manor is located roughly 220m to the north of the application area (01002). This site consists primarily of the remains of a rectangular moated site with a wet ditch. Attached to this on the eastern side and running almost to the foot of the Gog Magog Hills, is an embanked enclosure of roughly rectangular plan. Archaeological investigations at Granham's Farm have also identified Saxon occupation (MCB20044). In addition, to the north of Granham's Farm is Iron Age settlement (CB15540). A standard condition has therefore been recommended.

Representations (as originally undertaken)

17. No comments received

Site and Surroundings

18. The site is located within the defined village development framework of Great Shelfrod. The site is not located within a Conservation Area and does not form the setting of any Listed Buildings or other built heritage asset, albeit No.32-38 Granhams Road (Grade II) is situated to the north of the site on Granhams Road. The site is within a Flood Zone 1 and furthermore, the site is not within the Green Belt.

Proposal and Justification

19. Substantial new parking zones have been created since the original estate was planned and built by Chesterton Rural District Council. These new bays were created by the Council's Housing department as a result of local requests for more convenient parking closer to resident's homes. As a result of the creation of the requested new parking bays the demand for lock-up garages substantially diminished and the garage blocks fell into disrepair.
20. The proposal involves the demolition of the existing lock-up garages and the erection of three plots for self-builders. The application is submitted as an outline planning permission at this stage with access. Matters relating to appearance and landscaping are to be reserved.

Planning Assessment

21. The key issues to consider in the determination of this application are the principle of development and whether the development meets the definition of sustainable development in relation to proximity to services and facilities.

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

Principle of Development

Housing Supply and self-build plots

23. The District is currently unable to demonstrate a five year supply of housing sites. Set within this context, relevant policies for the supply of housing should not be considered up-to-date and housing applications should be considered in the context of the presumption in favour of sustainable development.
24. Paragraph 50 of the NPPF states that local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. A mix of housing should be planned for based on current and future demographic trends, market trends and the needs of different groups of the community, such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes.
25. 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.
26. 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.
27. The proposed development if approved will make a small contribution to the demands of the register. This remains a relatively new concept for the Council as a vanguard authority and officers advise that weight should be given to this factor in favour of the development if there was a need to balance this against any perceived harm. In the absence of any such harm, there is no need to secure a legal agreement to ensure they are sold off as self-build plots.
28. In a wider sense, the development of three new dwellings would help, in a modest way, to increase the supply of housing in the district.

Sustainability of the site

29. The National Planning Policy Framework sets out that there are three dimensions to sustainable development; (1) Economic, (2) Social and (3) Environmental and at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or the relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
30. It is considered that Great Shelford, a Rural Centre, is a sustainable location and the site has good accessibility to services and facilities, employment opportunities and public transport provision. The adopted and emerging Development Plans outline that Rural Centres are a sustainable option to accommodate housing delivery. The site is within the framework and therefore accords with policy DP/7 of the NPPF, albeit only limited weight can be given to this policy given the current housing land supply deficit.

Housing density, mix and affordable housing

Housing density

31. The area of the site is 0.10 hectares, with the provision of 3 residential units, this would equate to a development of 30 dwellings per hectare. This would accord with the councils adopted and emerging planning policies HG/1 and H/7.

Housing mix

32. The mix of housing will be determined at reserved matters stage, whereby local circumstances should dictate the size of the dwellings, in accordance with emerging policy H/8. The Council are now giving full weight to this policy given the emerging plans stage of preparation. Given the site is for self-build houses the local circumstances of the people on the register will be given weight at reserved matters stage.

Affordable Housing

33. As mentioned previously, planning law requires that planning applications shall be determined in accordance with the development plan, unless material considerations indicate otherwise.
34. Policy HG/3 requires that a minimum of 40% (i.e. 1) of the proposed dwellings should be affordable. This was agreed when the planning committee first considered the application. The affordable provision was to be secured by means of a commuted sum.
35. On 11 December 2017, the PPH considered a report on Affordable Housing Thresholds. A copy of that report is attached as appendix 1. In summary, the PPH has noted that affordable housing provision will only be required on developments of 11 dwellings or more, or on sites of less than 11 units if the combined gross internal floorspace of the proposed development exceeds 1,000 sqm. This is in accordance with the Government's Written Ministerial Statement 2014 (WMS) and the anticipated findings of the Inspector reporting on the modifications to the emerging Local Plan.
36. The proposed scheme would fall beneath the threshold set out in the report. In the light of the WMS and the anticipated Inspector's report, it would be both inappropriate and unreasonable to secure any affordable housing obligations in this instance. Given that the necessary section 106 agreement has not yet been completed, officers advise

members to note the report to the PPH and to remove this requirement.

37. For clarity, whilst the Strategic Housing Team have confirmed that this scheme will continue to providing funding back into affordable housing in the district, the Planning Committee cannot give this material weight in the determination of this application as it would now be secured outside of the planning application process.

Layout and Neighbouring Amenity

38. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Amongst other things, good design should function well over the lifetime of the development, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character without preventing or discouraging appropriate innovation, be safe and accessible and be visually attractive in terms of architecture and landscaping.
39. The NPPF states that local planning authority 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. The site is previously developed with two rows of lock-up garages. The site is rather un-kept in appearance and there would be positive planning gain outcomes from a small scale redevelopment scheme.
41. There are existing residential dwellings to the east, south and west of the site. Detailed designs including their scale will not be submitted until reserved matter stage and therefore will offer the self-builders some flexibility. Notwithstanding this, the district council has to be comfortable that the amount of units can fit within the parameters of the site without having a detrimental impact to neighbouring occupiers.
42. The proposed layout demonstrates that three units, along with garages and parking spaces could fit on the site. The south-east elevation on plot 1, the north-west elevation on plot 2, the north-east elevation on plot 3 all sit within 3m of the shared boundaries. Given the proximity to the neighbour's gardens, no first floor windows or doors will be located on the specified elevations (at reserved matters stage), unless they are obscure glazed and non-opening.
43. Officers consider the potential to over-look could be designed out through by the careful orientation of the rooms. There also seems to be some room to pull plot 1 away from the boundary with No.46 to increase separation distances.
44. Based on the submitted plans officers consider any reserved matters scheme is likely to accord with policy DP/3 of the Local Development Framework and not cause significant or adverse harm.

Highway safety and parking

45. The site is located at the end of a cul-de-sac and is currently used for 23 lock-up garages, all of which would have generated historic traffic movements. The removal of these garages and their replacement with three dwellings is likely to result in the

reduction of traffic movements relative to the historic situation. The proposed development and the allocation of parking to the existing dwellings are therefore considered to generally comply with policies DP/3 and TR/1 of the Local Development Framework.

46. The indicative plans submitted with the application demonstrate each dwelling could accommodate up to two on-site spaces with additional visitor spaces. Therefore the development would appear to be in compliance with parking standards set out in policy TR/2 of the Local development Framework.

Trees and Landscaping

47. There are some existing trees on the boundaries of the site. An arboricultural assessment has been submitted with the application which accurately plots the existing trees and their root protection areas to determine the developable areas of the site and to inform any necessary tree protection measures during construction.
48. Any reserved matters application will be expected to be supported by an updated arboricultural report and tree protection strategy. The acceptability of the development will be dependent upon the proposed layout and its juxtaposition with trees.
49. On this basis the Councils Tree Officer has raised no objections to the proposed development and it would accord with policy DP/2 and NE/6 of the Local Development Framework.

Other matters

50. Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires decision-makers to pay "special regard to the desirability of preserving the (listed) building or its setting or any features of special architectural or historic interest which it possesses."
51. Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires decision-makers to pay "special regard to the desirability of preserving or enhancing the character or appearance of that area".
52. Paragraph 132 of the NPPF, in the section dealing with the conservation and enhancement of the historic environment, states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".
53. Paragraph 134 of the NPPF says that "(where) a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".
54. Recent planning case law has confirmed that having "special regard" to the desirability of preserving the setting of a listed building under section 66 involves more than merely giving weight to those matters in the planning balance. In particular, case law has confirmed that "preserving" in the context of Listed Buildings means doing no harm.

55. Given the distance, the development would continue to preserve the setting of the No.32-38 Grahams Road in accordance with section 66 and policy CH/4 and CH/5 of the Local Development Framework and section 66 of the Conservation Area and Listed Buildings Act.
56. Conditions covering surface water drainage and foul water drainage are necessary as the application does not detail the arrangement at this stage. A contamination condition and archaeological condition is also necessary following the comments from consultees.

Conclusion

57. The proposed development would accord with the development plan being inside the village framework. 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.
58. The provision of three self-build plots in a sustainable location will benefit the local self-build register, although there is no material planning reason to oppose the application without this requirement.
59. The proposed scheme would not provide any affordable housing in accordance with policy HG/3. However, as already noted, it would now be both inappropriate and unreasonable to secure any affordable housing obligations in this instance.
60. It is therefore considered that the proposal achieves the definition of sustainable development as set out in the NPPF despite the removal of affordable housing provision.

Recommendation

57. Delegated approval subject to:

Conditions and Informatives

Planning conditions and Informatives as set out below, with the final wording of any amendments to these to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission:

Conditions

- 1) Approval of the details of the scale of the buildings, appearance of buildings 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.)
- 2) Application for the approval of the reserved matters, for each plot, 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.)

- 3) The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - The application is in outline only.)
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers 1553-P-501, 1553-P-502
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- 5) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
(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.)
- 6) Prior to the occupation of each of the dwellings, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for that dwelling shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- 7) Prior to the commencement of development on each of the plots, 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.)
- 8) Prior to the commencement of development on each of the plots, 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.
- 9) No construction site machinery or plant shall be operated, no construction related deliveries taken at or despatched from the site before 0800 hours and after 1800 hours on weekdays, 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.)

- 10) The proposed access road 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.)
- 11) The proposed access road shall be constructed using a bound material to prevent debris spreading onto the adopted public highway. (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 12) Prior to commencement, site preparation or the delivery of materials to site the each plot shall submit an updated arboricultural impact assessment and tree protection strategy in accordance with British Standard BS5837 for the approval of the Local Planning Authority to reflect the detailed layout. The tree protection measures must be implemented in accordance with the details provided in the approved arboricultural impact assessment and tree protection strategy and remain in position until practical completion of the implementation of the development. (Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with the policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
- 13) No demolition/development shall take place until a written scheme of archaeological investigation has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
 - the statement of significance and research objectives;
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme. (Reasons - To protect and record any archaeological features that might be found on the site in accordance with policy CH/2 of the Local Development Framework)
- 14) No development approved by this permission shall be commenced, unless otherwise agreed, until:
 - a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
 - b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
 - c) The works specified in the remediation method statement have been completed, and a Verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.

d) If, during remediation and/or construction works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.

(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007)

Informative

- 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.

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/1769/17/OL

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