

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7th May 2008

AUTHOR/S: Corporate Manager – Planning and Sustainable Communities

APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION: SUMMARIES OF DECISIONS OF INTEREST – FOR INFORMATION

Purpose

1. To highlight recent Appeal decisions of interest forming part of the more extensive Appeals report, now only available on the Council's website and in the Weekly Bulletin.

Summaries

Circle Anglia – 76 affordable dwellings – Land off Cambridge Road, Great Shelford – Appeal dismissed.

2. This was a major appeal involving an inquiry lasting 5 days. A group of local residents, a representative of the Rugby Club and Cllr Nightingale all spoke at the inquiry. Following the receipt of amended plans shortly before the inquiry, the main issues were the impact on the Green Belt; the effect on the character and appearance of the area; whether there was an acceptable mix of housing; whether the location would promote accessibility to services and facilities other than by use of the private car; impact on the adjoining rugby club; car parking provision; living conditions of nearby residents; and if the development was inappropriate development in the Green Belt, there were very special circumstances to justify the development.

Green Belt

3. The appellant referred to several Green Belt studies and the potential of the site for development. The Council pointed out these were studies aimed at informing reviews of the Green Belt and the site was still part of the Green Belt.. The site was being promoted as a rural exception site. Policy HG/5 and PPS3 allow for 100% affordable housing on "small" sites. The inspector was required to consider whether the development would amount to "limited" development in the Green Belt and agreed with the Council that the determining factor was the impact on the Green Belt itself and not the village. The fact there may be a need for this number of houses in the village did not make this limited development. The development was found to be inappropriate within the Green Belt.
4. The site is an undeveloped field. As such, the size and scale would significantly reduce the openness of this part of the Green Belt. The inspector also accepted that the proposals would result in further consolidation of development in depth between Shelford and Trumpington. The existing rugby club building, floodlights and telecommunications mast do not provide containment of the site. The development would therefore result in further encroachment into the countryside contrary to the purposes of the Green Belt.

Character and appearance

5. It was agreed that the character and appearance of the area is a mix of different types and styles of frontage residential property. There would be no harm to wider landscape objectives. While there are isolated examples of three-storey dwellings along Cambridge Road, the proposed three-storey element of the scheme was in a prominent position and would be out of keeping with the more suburban character of local surroundings. Objections to the possible impact on trees alongside the proposed access road could be overcome and protected through an appropriate condition.

Mix of development

6. The Council considered that 76 affordable dwellings in one place did not provide an appropriate mix of housing and would not create a sustainable community. Nonetheless, the proposal would provide for a range of 1, 2, 3 and 4 bedroom properties and the number, size, tenure and mix of dwellings reflected the currently identified need for the village. The inspector found the development would accommodate a range of different households and there would not be an unusual concentration of socially disadvantaged residents. The units were to be offered to village residents by way of a legal undertaking and this would result in a scheme that was not detrimental to the maintenance of a successful mixed community.

Accessibility to services and facilities

7. The inspector was satisfied that provision for cyclists was satisfactory and that it would be well served by bus. The Council's primary concern was that the site was too remote from services and facilities in the centre of the village such that people would not be encouraged to walk. The inspector accepted this and concluded that the site's location would encourage shorter trips by car. The site could not therefore be described as well related to local services in this respect. Neither was the route into the village entirely attractive, given that the section of road over the railway bridge had no verge and was exposed.

Rugby Club

8. The inspector agreed that the rugby club is a valuable amenity for the local community. The continued use of floodlights was important to the club and there was concern that future residents would complain about their impact. The proposed development was likely to require street lighting and given that the floodlights could be adjusted to reduce the glare they currently cause, the amenities of future residents would not be harmed.
9. Due to the limited parking available, this often takes place off site when larger events are held. Nonetheless, even if the proposed development did not take place, the club would still have to find alternative car parking at times of peak demand. The proposals would not make the situation any worse. In addition, the inspector was not persuaded that future residents would need to complain about noise.

Car parking

10. The total of 92 of car parking spaces would be less than the Council's average maximum of 118. The Council was concerned that existing and future residents would suffer a loss of amenity as a result. PPG13 states that developers should not provide more parking spaces than they themselves wish and taking into account the

likely car ownership rates for future residents and within the village as a whole, the inspector was satisfied that adequate parking provision had been made.

Overlooking

11. Concern had been expressed in respect of the relationship of new dwellings to the rear of two properties in Westfield Road. Although the Council's custom and practice back-to-back distances would not be met, the inspector was satisfied that in this case neither property would suffer an unacceptable loss of privacy.

Other considerations

12. The Council did not dispute the need for the development based on a 2004 housing needs assessment. Local needs could be properly met through the proposed unilateral undertaking. The appellants had contended that there were no other alternative appropriate sites in the village. Both main parties had assessed a number of possible alternative sites and the Council had disagreed. Having considered the alternatives, the inspector concluded that the constraints surrounding each site were not so significant that they would preclude development in principle of sites sufficient to provide the numbers of affordable housing needed.
13. Part of the appellant's argument was that none of these sites could be developed quickly and thus meet the identified need. However, the inspector was not convinced that the appellants could develop their site quickly enough so that the development was available for occupation by 2009 (the period of the housing needs survey). In view of this uncertainty, the advantages of developing the appeal site over other possible alternative sites were not so substantial that significant weight should be attached.
14. Overall, the benefits of the proposal did not clearly outweigh the harm that had been identified in other respects and the appeal should be dismissed.
15. Local residents had also raised other concerns, particularly those relating to highway safety. The inspector did not find the proposals unacceptable in this respect.

Comment:

The success in defending this appeal owes much to the efforts of all those who appeared at the inquiry. Local residents provided well-structured opposition using their time well at the inquiry. The decision is important in confirming that just because a site provides 100% affordable housing, this does not mean that it should automatically be considered a rural exception site within the meaning of Policy HG/6. Where such sites lie within the Green Belt, these considerations may ultimately prove to be the most important. The decision also confirms that while Great Shelford may be one of our more sustainable settlements, it is still important that sites are well related to the services and facilities it has to offer.