

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation
Control Committee

6th October 2004

AUTHOR/S: Director of Development Services

**S/1204/04/O - Hardwick
Outline for Residential Development (37 Dwellings and 5 Live/Work Units),
Enterprise Café, St Neot's Road for Mr M Middleton**

Recommendation: Minded to Approve

Departure application

Site and Proposal

1. This 1.22 ha (3 acres) site is located on the southern side of the St Neots Road, just south of the Dry Drayton/Hardwick roundabout. The original Enterprise Café, now closed, is on the front of the site. Set further back in the site, on the western side, is the former café operative's bungalow, sitting in its own garden. An old accommodation block, a long low brick building, sits fairly central in the site. Much of the rear of the site is a rough, potholed parking area, with a wide hardcored accessway along the eastern side of the site. Hawthorn hedges form the eastern and western boundaries; the southern boundary is open to the countryside. All commercial use of the site appears to have ceased, although lorries continue to park on the site.
2. To the east and west is ribbon development along the St Neots Road frontage, predominantly well spaced single storey residential properties with long back gardens.
3. This outline application, received 9th June 2004, seeks the principle of residential development with all matters reserved. It is accompanied by an indicative layout for 37 dwellings including 11 affordables and 5 live-work units. (34 dwellings per hectare), a statement summarising the marketing of the site following the grant of planning permission for B1 uses in November 2000, a Planning Statement and a Flood Risk Assessment (FRA). A covering letter states that the indicative layout plan does not form part of the application.
4. In support of the application the agent states that: "The site's development for residential purposes will enable the future of this brownfield site to be restored in a manner which will improve the character and appearance of St Neots Road as well as the amenity of surrounding residential properties. The scheme in the form proposed within this application, will enable the provision of affordable housing in a manner which is deliverable in funding terms within the next 12-18 months and would therefore ensure the early delivery of much needed affordable housing to meet identified local needs. This will also ensure that the development of the site and the resolution of its future can be secured at the earliest possible opportunity".
5. The site has been marketed for three years for B1 purposes. The marketing summary advises that there have been nearly 150 specific enquiries and that there are one or two negotiations still ongoing, but at this point in time they have been

unable to agree terms with prospective purchasers. It suggests that there is at present a decline in the commercial property market in the Cambridge area, particularly in the edge and out of town sector where there is a vast oversupply of category A space, resulting in a significant decline in rental rates. It is not envisaged that the situation is likely to improve for another 3 years.

Planning History

6. The Enterprise Café was established on the site many years ago.
7. Permission for a pallet business at the rear of the site was granted in the late 1980's.
8. In 2000 outline planning permission was granted for redevelopment of the site for 2.975 sq m of B1 commercial units.
9. An application under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2 of the 2000 permission to allow for an extension of time for submission of Reserved Matters was approved on 9 January 2004. Consequently, permission S/0830/00/O remains extant.
10. In August 2003, the applicants submitted an outline planning application for the residential development of the site. The application was refused on 6th November 2003 for the following reasons.
 - a. "The application site lies well outside of the defined village framework of Hardwick, towards the end of a long ribbon of predominantly low-rise residential property. Development of the site for residential use would be contrary to Policy P5/5 of the Cambridgeshire Structure Plan 2003 and Policy SE13 of the South Cambridgeshire Local Plan: Deposit 1999 (as proposed to be modified 2002 and 2003) (Policy H5 of the 1993 Local Plan), which require housing development to be within the defined physical framework of the villages and Policy P1/2 of the Deposit Cambridgeshire Structure Plan 2003 which restricts new development in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
 - b. Notwithstanding its location outside the village framework, this site of 1.22 ha would provide a scale of development well in excess of that which would be permissible within Hardwick, which is defined as a Group Village under Policy SE6 of the Local Plan, and consequently would undermine the settlement strategy for the district which seeks to concentrate housing development within the larger, more sustainable villages that have a full range of services and facilities.
 - c. An estate of housing within this ribbon of development would be out of keeping with the character of the area and would set a precedent and increase the pressure to allow further development and expansion of the village between the application site and the village framework to the east, further undermining the settlement strategy of the district"
11. In a covering letter the applicants were advised:

"Members expressed concern at the current state of the site and suggested your client hold a meeting with representatives from the Parish Council and Council Offices to try and find a way forward. If the residential option was pursued, policies would only allow affordable housing on the site",

12. Government Policy, incorporated in Planning Policy Guidance (PPG) 3, "Housing" and PPS, 7, "Sustainable Development in Rural Areas", seeks to, inter alia, give priority to re-using previously developed land in urban areas, reduce car dependence, focus new development on existing towns and villages, determine the pattern of new development through the development plan process and to strictly control new house building in the open countryside, away from established settlements.
13. The site is outside of the village framework of Hardwick: Policy P1/2 of the Structure Plan 2003 restricts development in the countryside unless the proposals can be demonstrated to be essential in a particular rural location. Policy P5/5, referring to homes in rural areas, allows for small-scale housing developments in villages. The supporting text comments that, except for small sites to meet locally identified housing need, housing in the countryside beyond the built up areas defined in Local Plans is not considered appropriate.
14. Policy SE8 of the South Cambridgeshire Local Plan 2004 presumes in favour of housing development within the defined physical framework of the villages. Residential development outside these frameworks will not be permitted.
15. Policy HG8 of the Local Plan allows, as an exception to the normal operation of the Local Plan policies, schemes of 100% affordable housing designed to meet identified local housing needs on sites within or adjoining villages. The number, size, design, mix and tenure of the dwellings should be confined to, and appropriate to, the strict extent of the identified local need and must also comply with certain criteria of Policy HG7 regarding affordable housing.
16. Policy HG10 of the Local Plan requires new housing developments to incorporate a mix and range of house sizes, types, and affordability to make the best use of the site and promote a sense of community which reflects local needs.
17. Policy SE4 of the Local Plan defines Hardwick as a group village. Within the framework development may exceptionally consist of up to 15 dwellings, if this would make the best use of a brownfield site.

Consultation

18. Hardwick Parish Council recommends approval but comments:
 - a. 42 dwellings is more than we expected; and
 - b. the affordable houses are afforded to Hardwick people first.
19. Local Highways Authority raises no objections subject to standard conditions. It is suggested that discussion take place before the submission of a reserved matter application.
20. Highways Agency has no objections as the proposal will as the proposal will not adversely affect the A428 trunk road.
21. Environment Agency considers the Flood Risk Assessment to be acceptable. Conditions are recommended to be imposed in relation to surface water drainage and ground contamination investigation.

22. Cambridgeshire Fire and Rescue Service requests that adequate provision is made for fire Hydrants.
23. County Chief Financial Planning Officer requires a contribution for 8 places at Comberton Village College. Adequate Primary School provision is available in the area.
24. County Archaeology Office recommends that the site is subject to a programme of archaeological investigation. This can be secured by the inclusion of a condition in any planning consent.
25. The Council's Ecology Officer recommends that the perimeter hedgerows should be enhanced. Provision of nest boxes upon new buildings would be desirable.
26. Police Architectural Liaison Officer has no comments at this stage.
27. The Trees and Landscape Officers comments:

"There is nothing of outstanding merit within the site in relation to tree cover, although a young Horse Chestnut could be considered for retention.

A well established hedge on the eastern boundary, and, or part, of the western boundary should be retained. The layout as shown will compromise that hedge in some areas i.e. plot 15 garage block at southern end of site."
28. **Housing Development Manager** comments that:
29. "The proposed affordable provision can be supported by the housing need survey.
30. An alternative exception site was under consideration but residents and Parish Council expressed a preference for the development of this site to meet housing need.
31. The Housing Corporation funding for affordable housing programmes for the next two years has now been allocated. The next opportunity to bid for funding will arise in December 2005, with the allocation being made in March 2006. There could be an opportunity to bid for funding before this if there is "slippage" on schemes which have funding but are not progressing but there is no guarantee of this. In fact, current Housing Corporation policy is to restrict funding to Section 106 schemes in an attempt to force LAs, RSLs and developers to produce self-financing affordable schemes. Therefore, taking all factors into account, I would suggest that it is extremely unlikely that this would be funded prior to March 2006 and I wouldn't hold out much hope thereafter. I would, therefore, agree with the statements in 3.3 of FPD Savills' supporting statement.
32. One way in which non-funded schemes can be made to stack up financially is by increasing the number of key worker or shared-ownership units on a scheme, as these obviously bring a capital receipt to the RSL which can subsidise the rented units. We are currently working with several RSL partners on schemes which did not receive funding and are being re-modelled on the basis of a higher percentage of shared ownership units. The statement in 3.4 is correct in that with all units being shared-ownership the scheme would be self-financing.

However, most of the other schemes we are looking at can be made to work with an element of rented units and, generally speaking, 2 shared ownership units should

subsidise 1 rented unit. Therefore, I would have thought that this proposed scheme could be made to work on the basis of, say, 8 shared ownership and 3 rented and would be happy to discuss this with Hereward.”

33. No comments have been received from **Anglian Water**.
34. **The Chief Environmental Health Officer** does not object in principle but recommends conditions to protect proposed dwellings from noise from the workshop premises and to require a site contamination investigation and remediation.

Representations

35. The application has been advertised as a Departure from the Development Plan.
36. One resident of St. Neots Road (No. 303) has misgivings regarding the number of houses in terms of traffic generation but is hopeful that an application will be granted this time. Hardwick people should be given preference to the affordable housing.

Planning Comments – Key Issues

37. This 1.22ha (3 acre) site is some 300 metres west of the defined village framework. Its development for housing is contrary to the settlement policies of the Development Plan, which require new housing development to be located within defined village frameworks, rather than in the countryside. Development at the proposed scale is also significantly greater than that which would be allowed as part of the settlement of Hardwick, a Group Village, and would be contrary to the broader aims of the settlement policies in the Development Plan that seek to concentrate development in the larger settlements which have a full range of facilities.
38. Exceptionally, a site outside the village framework may be developed for housing where it would be forward 100% affordable housing. This is not the intention in this case; 11 affordable dwellings (30% of 37) are proposed. Furthermore an exceptions site should be located within or adjoining the village. This site is some 1.3km from village facilities, such as shop and school.
39. At the Local Plan Inquiry in 2001 the Planning Inspector considered representations seeking to extend the village framework to include properties along the St Neots Road to the west of the village, including the Enterprise Café site. He noted that, overall, local services and facilities in Hardwick do not extend beyond the requirements for Group Village designation under **Policy SE4**, which would allow development within the village framework of groups of 8, or exceptionally up to 15, dwellings. He considered the various proposals to extend the village framework, taken together, would constitute a major enlargement of the village which could not be justified by current housing need. He recognised the poor state of the application site but concluded that not including it within the framework would not necessarily preclude its future redevelopment, as evidenced by the grant of planning permission in November 2000 for B1 purposes.
40. The applicants have put forward a number of exceptional circumstances to weigh against Development Plan Policies:
 - a. Brownfield Land;

- b. Proximity of existing continuous built frontage along St. Neots Road (at least 500 metres in extent);
 - c. Extant permission for employment development;
 - d. The market is not favourable towards commercial property; office supply exceeds demand;
 - e. Former use is un-neighbourly to residents on traffic, visual and environmental health grounds;
 - f. Residential use would be compatible with the predominant use along St. Neots Road; local services including a primary school are available in Hardwick; bus stops are nearby;
 - g. Scheme will add to the range and mix of housing within Hardwick; and
 - h. Provision of affordable housing, along with 5 live/work units. Further to the Housing Development Manager's comments, the applicant has agreed to the provision of eight shared equity dwellings with a further three socially rented affordable dwellings. This would be viable and self-financing.
41. Under the terms of Section 54A of the 1990 Planning Act local planning authorities are obliged to determine planning applications on the basis of the policies within their Development Plan, unless material considerations indicate otherwise. Both the Structure Plan and Local Plan have been adopted very recently and provide a restrictive policy background in respect of development outside village frameworks.
42. The presumption against residential development in this location should be balanced with the considerations at Paragraph 40 above. In my opinion, none of these considerations individually warrant over-riding Development Plan Policies, but cumulatively they form a compelling case. In addition, there appears to be local support for the principle of residential development, no doubt reflecting the difficulties experienced by residents with the former use.
43. I would also refer Committee to Paragraph 2.28 of the Local Plan, which is supporting text to Policy SE8:
- "Frameworks have not been defined around small clusters of houses or areas of scattered development where such buildings are isolated in open countryside or detached from the main concentration of buildings within a nearby village. Although it is recognised that such dwellings may be considered locally as 'part' of the nearest village in community terms it is important in planning policy terms to limit the amount of new development that can take place in rural areas with few services and little or no public transport."
44. This particular site is within walking and cycling distance of services within Hardwick and has access to a regular public bus service on the St. Neots Road. In that regard, and taking into consideration the circumstances in Paragraph 40 above, I consider that there does now exist justification for supporting residential development as a Departure from the Development Plan.
45. My reservation relates to the scale of development proposed in relation to the character of the very low density of housing in the immediate vicinity and the relatively low percentage of affordable housing proposed. Both are no doubt factors

of the particular costs associated with the development. The Planning Statement in support of the application is silent on this matter. I shall invite the applicant to address this issue. In that regard I draw Committee's attention to the need at September 2003 identified by the Housing Development Manager for 20 affordable dwellings proposed in a planning application on land at the rear of 124-158 Main Street, Hardwick. The application was ultimately withdrawn.

46. In conclusion, I consider that the residential redevelopment of this brownfield site outside but close to the village framework of Hardwick, a village with services including a primary school and public bus service, can be supported as a Departure from the Development Plan, taking into consideration the material and exceptional circumstances in Paragraph 40 above, but subject to further consideration of the scale of development and numbers of affordable dwellings.

Recommendations

47. That, subject to the receipt of a satisfactory justification for the scale of development and percentage of affordable housing, the Committee be minded to support the application as a Departure from the Development Plan.
48. That the application be referred to the Secretary of State as a Departure.
49. That, subject to the Secretary of State not calling the application in for his determination and to the completion of a Section 106 Agreement in respect of affordable housing, education contributions and open space management and maintenance, the application be approved, subject to conditions related to:
- a) Time limited consent
 - b) Submission of reserved matters
 - c) Highway matters
 - d) Details of surface and foul water drainage
 - e) Scheme of ground contamination investigation
 - f) Provision of fire hydrants
 - g) Archaeological investigation
 - h) Landscaping scheme and implementation
 - i) Open space provision link between work and residential units
 - j) Link between work and residential units

Informatives

Reasons for Approval

1. In determining this application the Local Planning Authority has had regard to Policies in the approved development plan.

In resolving to approve the application as a departure from the plan consideration has been given to the fact that site benefits from an extant consent for employment development, is brownfield land, has a lawful use which is un-neighbourly to residents on traffic, visual and environmental health grounds, is close to local services including a primary school and public transport and provides an opportunity to include affordable housing within the proposed development.

2. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

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

County Structure Plan 2003

South Cambridgeshire Local Plan 2004

Planning Application Files: S/1204/04/O, S/1777/03/O and S/1812/03/O

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