

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 November 2010

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/1151/10 - BOURN
Two Affordable Dwellings and Use of Land for Outdoor Playspace
at Rockery Farm, Broadway
For Mrs C W Ward

Recommendation: Approval

Date for Determination: 16 September 2010

This application has been reported to the Planning Committee for determination on request of the Development Control Team Leader.

Departure Application

Site and Proposal

1. The application site is located to the northern side of the existing nine affordable units that form a small cul-de-sac on Broadway. It has a total area of approximately 0.225 hectares, and includes an area of land laid to grass. A low hedge separates this land from the adjacent dwellings. The dwellings are of similar design, with four pairs of semi-detached properties, and a single detached property.
2. To the north of the site is a farm track, beyond which is open agricultural land. There is only a small amount of planting by the junction, meaning the site appears open when travelling southwards along Broadway. The land to the east is currently open paddock land. To the south is a vacant area of land, with further dwellings beyond.
3. The full application, received on 22 July 2010, seeks consent for the erection of two further affordable dwellings to be constructed as a pair of semi-detached properties in line with the existing rear dwellings on the site. The site would be accessed from the existing cul-de-sac. The application is accompanied by a Design and Access Statement, which includes details on open space, housing need, transport assessment, contamination and biodiversity and landscape.

Planning History

4. Outline planning permission was granted at Planning Committee on 2 October 2002 for the erection of nine affordable dwellings on the adjacent land (**S/1400/02/O**). The approval of reserved matters for the nine dwellings was approved through application **S/0652/04/RM**.
5. Planning permission was refused at Planning Committee on September 2009, and subsequently dismissed at appeal for the erection of an additional eight affordable homes to form an extension to the existing development of nine affordable homes (**S/1004/09/F**).

Planning Policy

6. **Local Development Framework Core Strategy Development Plan Document 2007:**
ST/6 Group Villages
7. **Local Development Framework Development Control Policies (LDF DCP) 2007:**
DP/1 Sustainable Development, **DP2** Design of New Development, **DP/3** Development Criteria, **DP/4** Infrastructure and New Development, **DP/7** Development Frameworks, **HG/3** Affordable Housing, **HG/4** Affordable Housing Subsidy, **HG/5** Exceptions Sites for Affordable Housing, **SF/10** Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** Open Space Standards, **NE/6** Biodiversity, **NE/9** Water and Drainage Infrastructure, **NE/10** Foul Drainage – Alternative Drainage Systems, **NE/11** Flood Risk, **NE/14** Lighting Proposals, **NE/15** Noise Pollution, **TR/1** Planning for More Sustainable Travel & **TR/2** Car and Cycle Parking Standards.
8. **Open Space in New Developments SPD, Trees and Development Sites SPD, Affordable Housing SPD & District Design Guide SPD.**
9. **Circular 11/95** – The Use of Conditions in Planning Permissions: Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
10. **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultation

11. **Bourn Parish Council** recommends approval of the application, subject to a sum towards the ongoing maintenance of the play space which should be available for use by the whole village, and a financial contribution towards traffic calming measures in Broadway, or a commuted sum towards a parish benefit. No further comments have been made regarding the amended plans.
12. The **Council's Housing Development and Enabling Manager** notes a Housing Needs Survey was completed in Bourn by Cambridgeshire CARE in Spring 2009, and found there was a need for 11 new affordable homes in the village. When combined with Housing register data, there is a demonstrated overall need of 15 dwellings. There is a large demand for affordable housing in Bourn and the tenure and property type proposed are suitable.
13. The **Local Highway Authority** states that no significant adverse effect upon the Public Highway should result from the proposal as the Broadway is not public maintainable highway.
14. The **Council's Landscape Officer** notes that the original plans do not clearly show car-parking areas. A landscaping condition is requested for the dwellings and the open space. The amended plans address the concerns regarding parking.
15. The **Council's Section 106 Officer** notes that there is no requirement for the provision of onsite open space for a scheme of this size. It is noted the open space should be available to all members of the public otherwise an off-site contribution would be required. If the land were transferred to the Parish Council, a commuted sum payment would be required for the future maintenance. Contributions are

required towards community facilities, Section 106 Monitoring and household waste receptacles. The request for traffic calming is not supported as it would not be compliant with the planning obligations circular 05/2005 nor the tests as provided under CIL regulations.

16. The **Council's Tree Officer** has no objection to the scheme subject to input from the landscape team.

Representations

17. The occupiers of **64 Broadway** note concerns regarding the proximity of three-bed properties next to existing two-bed properties, and has concerns regarding the location of the play space close to the main road.

Planning Comments – Key Issues

18. The key considerations relating to the determination of the application are the principle for affordable housing on the site, the future of the open space, and the impact upon the amenity of the occupiers of adjacent properties.

The Principle for Affordable Housing on the Site

19. Local Development Framework Policy HG/5 supports exceptionally, in principle, the development of schemes of 100% affordable housing to meet identified local housing need on small sites within or adjoining villages, where general housing would not be acceptable. The Housing Development and Enabling Manager has confirmed there is such a need within the village of Bourn. The two three-bed dwellings are also appropriate to the strict extent of the identified local need
20. The site lies outside the designated Bourn village framework, which is located approximately 1060m to the south. The existing nine affordable dwellings were granted consent at Planning Committee on 2 October 2002. Since this time, a further application has been refused and dismissed at appeal (S/1004/09/F) for an additional eight dwellings. The reasons for refusal related to the distance away from the designated village framework and the facilities within Bourn, and the impact upon the character of the area. In dismissing the appeal, the Inspector notes that the distances to facilities “are unlikely to encourage walking”, and the narrow footpath, the close proximity of traffic and steep inclines were also noted. He continues that the “location of the appeal site stretches the meaning of “well-related” in terms of Bourn beyond reasonable limits”, and concludes the scheme “falls well short of the locational criteria set out in Policy HG/5”. He also concluded that the scheme would also be contrary to the character of the area. The Inspector’s comments hold significant weight in the decision making process.
21. The important difference between the previous application is the number of dwellings, which is reduced to just two. The site as existing is open, and appears very prominent in the street scene, especially when approaching the site from the north. From this view, the in depth development remains visible contrary to the linear pattern of the northern entrance into the village. The application presents the opportunity to “square-off” the built form as the dwellings would line up with the opposite the frontage dwellings. The proposal also seeks to add significant landscaping on the site to help screen the dwellings in the street scene, whilst retaining an area of open space. The proposed site plan shows the potential for that landscaping, and the comments from the Landscape Officer are noted regarding the need for a condition. Trees are proposed along the northwest corner, whilst further planting will be

encouraged along Broadway and the farm track. The scale of the proposal is therefore well related to the existing development and the size and character of the village. It should also be noted that having open space on the site would reduce potential journey numbers into the village, as previously, occupiers would have to go to the Recreation Ground. To this limited extent the site is well related to services and facilities within the village. The development therefore complies with the majority of the criteria in Policy HG/5.

22. There is a balance to be drawn between the previous Inspector comments and the potential benefit to the site as a whole. The Inspector has concluded the site is inappropriate for eight further dwellings given sustainability and character concerns. However, by allowing only two dwellings, there would be minimal impact upon the character as it would “square-off” the site, and add a significant amount of screening. In this instance, it is considered that the benefit to the scheme as a whole outweighs the inconvenience that would be caused to the future occupiers of the dwellings arising from the need to access facilities and services within the village. The application has been advertised as a Departure from Policy HG/5 of the LDF.

The Future of the Open Space

23. Of the proposed site area, 0.19 hectares are proposed to be retained as open space. This is far in excess of the requirements for the scheme of this size. No open space was provided during the application for nine dwellings, and the application seeks to address this shortfall. The applicant has stated that Hundred Houses Society has agreed to take on the maintenance of the open space. However, it is discussed that the land could be passed to the Parish Council. If this were the case, maintenance contributions will be required to be secured through a Section 106 Legal Agreement. Members will be updated as to which option is sort by the applicant. A condition will be required for the maintenance detail.
24. The applicant has not yet confirmed their willingness to contribute towards community facilities provision in Bourn. There is an identified need at the village hall. Members will be updated on this matter.

Impact upon the Amenity of the Occupiers of Adjacent Properties

25. The proposed pair of dwellings would be located adjacent to 64 Broadway. This existing property has a ground floor and a first floor window in its facing side elevation, both of which are obscure glazed. Given the orientation of the scheme, no significant light would be lost as a result of the proposal. The facing elevation of the adjacent plot is blank, and there would be no serious loss of amenity as a result. I do not consider a condition necessary to prevent the addition of windows in this elevation, given the obscure glazing and lack of a similar condition for the existing scheme.
26. The properties of 66 and 68 Broadway are located opposite the site. They both have front facing windows that would allow clear views of the proposals. However, the distance between the existing and proposed dwellings would be approximately 18.5m, and would be similar to the relationship of the properties directly to the south. I do not consider there would be any loss of amenity to the occupiers of 66 or 68 Broadway.

Other Matters

27. The comments from Bourn Parish Council are noted with regard to the need to provide traffic calming measures along Broadway, and if this is not considered appropriate, the contribution of a sum towards a Parish benefit. The application is for two dwellings, and a condition/obligation requiring a commuted sum for Parish use would not be compliant with the planning obligations Circular 05/2005. This states that the obligation must be necessary and directly related to the proposed development. Usually a development of two dwellings would not trigger such a requirement, and there is no further justification in this instance.

Recommendation

28. Recommend approval of the application as a Departure to Policy HG/5 of the LDF DCP 2007, as amended by plans CW.02A, CW.03A, CW.04A, CW.06A and CW.07A date stamped 7 September 2010, subject to the following conditions:

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: CW.01, CW.05 and CW.08 date stamped 22nd July 2010, and CW.02A, CW.03A, CW.04A, CW.06A and CW.07A date stamped 7th September 2010.**
(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 shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.**
(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.)
- 4. 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.)

- 5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for each dwelling and shall be completed before that 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.)

- 6. No development 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.)

- 7. The proposed access and parking areas for both dwellings shall be provided before the dwellings hereby permitted are occupied and thereafter retained as such.**

(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- 8. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 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.)

- 9. The development shall not begin until a scheme for the provision of the affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:**
- i. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and**
 - ii. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.**

(Reason - To ensure the provision of an agreed mix of affordable housing to meet the identified local housing need in accordance with Policy HG/5 of the adopted Local Development Framework 2007.)

- 10. No development shall begin until details of a scheme for the future maintenance of the open space area have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.**

(Reason - To ensure that the satisfactory future maintenance of the open space area in accordance with Policies SF/10 and DP/4 of the adopted Local Development Framework 2007.)

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

- Local Development Framework Core Strategy Development Plan Document 2007
- Local Development Framework Development Control Policies (LDF DCP) 2007
- Open Space in New Developments SPD, Trees and Development Sites SPD, Affordable Housing SPD & District Design Guide SPD
- Circular 11/95 – The Use of Conditions in Planning Permissions
- Circular 05/2005 - Planning Obligations
- Planning Files Reference: S/1151/10/F, S/1004/09/F, S/0652/04/RM and S/1400/02/O

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