

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 August 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/1199/13/OL
Parish:	Bassingbourn
Proposal:	Outline application for erection of 20 residential units (including 10 affordable dwellings), (all matters reserved)
Site address:	Land to the rear of 131 The Causeway, Bassingbourn-cum-Kneesworth
Applicant:	The Parker Family
Recommendation:	Delegated Approval
Key material considerations:	Principle and sustainability, density, mix and affordable housing, character of the area and trees, residential amenity, highway safety and other matters.
Committee Site Visit:	Yes
Departure Application:	Yes
Presenting Officer:	Paul Sexton
Application brought to Committee because:	The Development Control Manager considers that the application should be presented to Committee for decision.
Date by which decision due:	18 June 2013

Planning History

1. S/0593/04/O – Residential development following demolition of existing and alterations to access road – Approved
2. S/1488/03/O – Residential development following demolition of existing and alterations to access road – Withdrawn

Planning Policies

3. *National Planning Policy Framework*
4. *Local Development Framework*

ST/7 – Infill Village (Kneesworth), DP/1 – Sustainable Development, DP/2 – Design of New Development, DP/3 – Development Criteria, DP/4 – Infrastructure and New Developments, DP/7 – Development Framework, HG/1 – Housing Density, HG/2 – Housing Mix, HG/3 – Affordable Housing, HG/5 – Exception Sites for Affordable Housing, ET/6 – Loss of Rural Employment to Non-Employment Uses, SF/6 – Public Art and New Development, SF/10 – Outdoor Play Space, Informal Open Space and New Developments, SF/11- Open Space Standards, NE/1 – Energy Efficiency, NE/3 – Renewable energy Technologies in New Development, NE/6 – Biodiversity, NE/9 – Water and Drainage Infrastructure, NE/11 – Flood Risk, NE/12 – Water Conservation, NE/15 – Noise Pollution, TR/1 – Planning for More Sustainable Travel, TR/2 – Car and Cycle Parking Standards

5. **Supplementary Planning Documents**

Affordable Housing SPD – adopted March 2010
 Biodiversity SPD – adopted July 2009
 District Design Guide SPD – adopted March 2010
 Landscape in New Developments SPD – adopted March 2010
 Open Space in New Development SPD – adopted January 2009

6. *Draft Local Plan*

S/3 – Presumption in Favour of Sustainable Development, S/11 – Infill Villages, CC/1 – Mitigation and Adaption to Climate Change, CC/3 – Renewable and Low Carbon Energy in New Developments, CC/4 – Sustainable Design and Construction, CC/6 – Construction Methods, HQ/1 – Design Principles, HQ/2 – Public Art and New Development, NH/4 – Biodiversity, H/7 – Housing Density, H/8 – Housing Mix, H/9 – Affordable Housing, H/10 – Rural Exception Site for Affordable Housing, H/11 – Residential Space Standards for Market Dwellings, H/15 – Development of Residential Gardens, E/14 – Loss of Employment Land to Non-Employment Uses SC/2 – Health Impact Assessment, SC/7 – Outdoor Play Space, Informal Open Space and New Developments, SC/8 – Open Space Standards, SC/11 – Noise Pollution, TI/2 – Planning for Sustainable Travel, TI/3 – Parking Provision

Consultations

7. **Bassingbourn Parish Council** – recommends approval.
8. **Local Highway Authority** – has no objection subject to the provision of suitable visibility splays, and access construction details.
9. **Trees Officer** – originally objected to the application on the basis of the potential impact of construction of the access roadway on the adjacent Cedar and Copper Beech trees, which are both the subject of a Tree Preservation Order.
10. Following receipt of additional information showing a more detailed road alignment, and plotting of root protection areas (RPS's), this objection has been withdrawn, provided that conditions are included in any consent requiring submission of a construction method statement for the roadway, sections for the pedestrian pavement (to be constructed with minimal dig), and details of trenched services, which should avoid RPA's.
11. **Housing and Development Officer** – comments that the scheme is presented as 10 private houses and 10 affordable homes. The affordable houses are provided on an

area of land which can be considered as a rural exception site and confirms that there is sufficient demand to fill the units proposed. A 2012 survey identified 87 households in housing need in Bassingbourn-cum-Kneesworth.

12. There is no provision of any affordable housing contribution on the private element of the site, but she is aware that the exception site land can only be realised with the private development being brought forward. In this case officers would be prepared to support the proposal and not to seek to secure an additional 4 units as affordable on the private part of the site.
13. **Environment Agency** – no objection subject to conditions requiring the investigation of the site for contamination and any subsequent mitigation and remediation, and a scheme for surface water drainage.
14. **Environmental Health Officer** – requests that a condition is attached restricting hours of operation of power driven machinery during the period of demolition and construction, the submission of a scheme for external lighting, and a management scheme for the use of the proposed open space, along with standard informatives.
15. **Anglian Water** – no comments received.

Representations

16. Letters have been received from the occupiers of Nos.1, 123, 125 and 166 The Causeway, objecting to the application on the following grounds:
 - a. Kneesworth is an 'infill' village where development is restricted to not more than 2 dwellings, unless under exceptional circumstances where this may be increased to 8 dwellings. This was not adhered to when the Butterfield Drive development was built. This is only a village, not a town, and should be treated as such. Developments are slowly chipping away at this character.
 - b. It is understood that the employment land would be classed as brownfield. Redevelopment of the site is welcomed, but this is far too many houses.
 - c. Why is a parcel of land outside the village framework even being considered as part of the application?
 - d. The Government has stated that gardens should not be used for development.
 - e. The plans do not accurately represent No.125 The Causeway, as it has been extended to the site boundary. The proposed footpath will therefore run directly next to No.125 and alongside the fence to the rear garden. Whilst it is accepted that there is a busy road at the front of the property, most people would expect to have more peace and tranquillity at the rear. This will be destroyed by the proposed development.
 - f. The bedroom windows of No.125 The Causeway will open onto the proposed access road. There could be at least 40 cars day and night, which will have an adverse impact in terms of noise and disturbance, and which over time will result in a decline in health and well-being. The occupiers of No.166, opposite the site have similar concerns.

- g. Additional traffic generated will affect safety and convenience of existing road users, which should be a major concern for the Highway Department. Additional traffic will impact on the queues which already form at the A1198 junction at peak periods. It will only be a matter of time before a further serious accident occurs.
- h. Previous traffic to the commercial use of the site was minimal and within office hours, so was not disruptive of evenings or weekends.
- i. Will restrict visibility from access of No.125 The Causeway, and make access from properties on the opposite side of The Causeway more difficult as it will form a crossroads junction. Headlights will shine directly into the front of No.166.
- j. Site would be better accessed from Tower Close.
- k. Surface water drains in the area need rebuilding, and although soakaways would be used here there will still be an impact when the ground is saturated and at times of heavy rainfall, when drains in the village can overflow.
- l. The sewage system is already at capacity. There are sewer tankers going to and from Guise Lane Sewage works as problems are already being caused.
- m. Although the application states there were attempts to lease the warehouse building before it was demolished, no external advertising was seen. The owner of the company who occupied the building at the rear stated that he was not allowed to renew the lease. It is therefore believed that it has always been the intention to build houses, and this is not the first application. There is concern that this will lead to further proposals, leading to overdevelopment of the site.
- n. The previous commercial use of the site did not cause problems.
- o. There are already new houses on The Causeway which have not been sold, and have been sitting empty for some time, showing that additional housing of this scale is not needed in the village.
- p. Schools and colleges are filled to their maximum.
- q. Public transport services are poor.
- r. Will devalue nearby properties.

Planning Considerations

- 17. The site, which is to the north of The Causeway, comprises 0.97ha of land to the side and rear of No.131 The Causeway. The site can be broken into three sections – part of the garden of No.131, a derelict and redundant factory site to the rear, and an area of rough grassland. The latter forms part of a larger parcel of former agricultural land, and is outside the village framework.
- 18. Access to the site is via an existing driveway off The Causeway, which runs along the west boundary of the site, and will be upgraded to serve the proposed development.

19. The outline application, with all matters reserved, seeks consent for the erection of 20 dwellings, 10 of which will be affordable dwellings. An indicative layout plan has been submitted, which although not for formal consideration at this stage, shows 2 dwellings sited within the rear garden of No.131 The Causeway, 8 dwellings on the brownfield part of the site (former commercial uses), and 10 affordable dwellings on land at the rear which is outside the village framework.
20. To the west the site adjoins the side boundary of No.125 The Causeway at the front, behind which it adjoins the Tower Close development. To the south it adjoins the rear boundaries of properties in The Causeway and Orchard Close. There is existing planting on the north boundary of the site, however the east boundary is open.
21. At the front of the site the east boundary adjoins the garden of No131 The Causeway, which contains a mature Cedar and Copper Beech Tree, both of which are the subject of Tree Preservation Orders.
22. The application is accompanied by a Design and Access Statement, Planning Statement, Housing Statement, Tree Survey, Ecological Assessment, Geo-Environmental Assessment Report, Sustainability and Energy Efficiency Statement, Marketing Report, Viability Appraisal, and Draft Heads of Terms.

Principle of development and sustainability

23. The National Planning Policy Framework (2012) (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.
24. On the 25th June 2014 in two appeal decisions for sites in Waterbeach, the appeal Inspector concluded that the Council cannot demonstrate a five-year supply of deliverable housing sites. This is against the Strategic Housing Market Assessment figure for objectively assessed needs of 19,000 homes between 2011 and 2031, which he concluded had more weight than the Core Strategy figure. It is appropriate for the conclusions reached within these appeal decisions to be taken into account in the Council's decision making where they are relevant. Unless circumstances change, those conclusions should inform, in particular, the Council's approach to paragraph 49 of the NPPF. Adopted policies which are "for the supply of housing" cannot be considered up to date where there is no up to date five year housing land supply. Those policies were listed in the decision letters and are: 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 should also be policies "for the supply of housing".
25. Where this is the case, paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. It says that where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted (which includes in the Green Belt).
26. This means that where planning permission is sought where the policies listed above would have been material considerations, such applications must be determined against paragraph 14 of the NPPF.

27. In the following paragraphs officers have assessed the application in terms of the potential adverse impacts of the development, which in this case can be identified scale and sustainability, character, residential amenity and highway safety. In the conclusion these have then been weighed against the benefits of the development. In these sections officers have made reference to Settlement and Village Framework policies in the current LDF, in assessing impact, although Members need to be mindful of the comments made in paragraphs 23-26 above, in terms of the current status of these policies
28. Although the proposal is for 20 dwellings in Kneesworth, there are a number of issues which Members need to consider when assessing the principle of this proposal. The application was advertised as a departure when submitted, due to the scale of development, however officers are of the view that the case argued by the applicant, merits support in this case even before the 5-year supply situation is considered.
29. The proposal can be broken into three elements – development within the curtilage of an existing dwelling, redevelopment of an area of brownfield and an exception site for affordable housing.
30. The site is part within and part outside the village framework. Kneesworth is designated as an Infill Village, and has a separate designation to Bassingbourn, which is currently a Group Village, but is proposed to become a Minor Rural Centre in the Draft Local Plan.
31. Kneesworth was identified as being separate from Bassingbourn for the purposes of the Core Strategy as there is a physical gap between the two parts of the settlement, which is represented by a distance of 250m between the two village frameworks, and the fact that the main village services, in particular the Primary School, are located on the west edge of Bassingbourn, away from Kneesworth. There is however a good footpath link and a bus route along The Causeway linking the two parts of the settlement.
32. Policy ST/7 of the Local Development Framework limits development in Kneesworth to residential development and redevelopment within the village framework to not more than 2 dwellings (indicative size), comprising (amongst other criteria), the redevelopment or sub-division of an existing residential curtilage, or the conversion or redevelopment of a non-residential building where this would not result in the loss of local employment. The Policy states that in very exceptional circumstances a slightly larger development, (not more than about 8 dwellings), may be permitted where this would lead to the sustainable recycling of a brownfield site, bringing positive overall benefit to the village. Kneesworth retains its infill status in the draft Local Plan, but the indicative scale of development limitations are affected by the 5-year supply situation.
33. Policy ST/7 refers to not losing employment sites and Policy ET/6 sets out the detailed criteria against which such proposals should be assessed. The site has been marketed by the owner in an attempt to secure ongoing commercial uses for the site, and evidence of this exercise has been submitted with the application. As result of the lack of response to this exercise a warehouse building, immediately to the rear of the garden of No.131, has now been removed. Officers are therefore of the view that the redevelopment of the brownfield area of the site under is something that could be supported in principle under Policy ST/7. However it is necessary to consider whether very exceptional circumstances exist, and whether the criteria in the above paragraph are met.

34. In this case the development of the brownfield land will allow the exception site to be brought forward and provide 10 affordable dwellings, priority of occupation of which can be for local people, and officers are of the view that this can be considered as providing very exceptional circumstances in this case even before the 5-year supply situation is considered.
35. Policy HG/5 accepts that, as an exception to the normal operation of the policies of the Development Plan, schemes of 100% affordable housing which are designed to meet identified local housing needs on small sites within or adjoining villages, can be granted so long as five criteria are met. Schemes for up to 10 affordable dwellings have been accepted as appropriate in Infill Villages.
36. The Housing Development Officers supports the site as an exception site, stating that there is an identified local need. Detailed housing mix and tenure can be agreed through a Section 106 and at the reserved matters stage. Officers are of the view that as an exception site the land is well related to the existing built-up area of Kneesworth, is appropriate to the size and character of this part of Kneesworth, and does not damage the character of the village or landscape (see section on Character below).
37. With regards to the need for the site to be well related to facilities and services within the village, Kneesworth is a settlement where services are limited, and its status as an infill village reflects this. The site is however located within 300m of the defined settlement edge of Bassingbourn, where a significantly higher level of services exists. There are two bus stops within 50m of the site frontage, a restaurant, clothes shop and public house within 600m, doctors surgery 800m, community hall, coffee shop, village shop with post office, garage, hairdresser, bakery and pharmacy 1km. dental practice, church, secondary school and hair salon 1.2km and primary school 1.4km.
38. There is a good footpath link from the site to Bassingbourn and officers are of the view that refusal of this proposal on grounds of sustainability could not be supported.
39. Officers are therefore of the view that the 3 parts of the scheme, the erection of 2 houses in the rear garden of the existing dwelling, 8 houses on the brownfield part of the site, and the erection of 10 affordable dwellings on an exception site, outside the village framework, each comply with development framework policy and would merit support even before the 5-year supply situation is considered.
40. What is at issue here is whether support should be given to these 3 elements as part of the same overall development. Officers are of the view that justification for permitted the 8 dwellings on the brownfield section of the site has been set out above, and that the 2 additional dwellings within the garden of No.131, making a development of 10 dwellings, would fall within the wording of Policy ST/7 of 'not more than about 8 dwellings' and would merit support even before the 5-year supply situation is considered.
41. In assessing the additional impact of the affordable dwellings, taking the total to 20 dwellings, as stated above the impact on character, and neighbour amenity, is considered below. However, in terms of the impact of this number of dwellings on traffic generation and its impact on highway safety, and service provision, it could be argued this will be no different from a development of 10 units on this site and 10 affordable units as an exception site on the opposite side of The Causeway. The latter is one of the options previously mooted by the applicant under the provisions of the Affordable Housing SPD.

Density, Housing Mix and Affordable Housing

42. The density of the proposed development is 20.6 dph. Whilst this below the average density of 30 dph sought by Policy HG/1, officers are of the view that it is appropriate in this case given the character of surrounding development.
43. Market housing mix should have regard to the requirements of Policy HG/2 and the draft Policy H/8. This can be secured by condition of any outline consent, although it will need to be influenced by site visibility.
44. The application recognises that Policy HG/3, and the draft Policy H/3, require at least 40% of the number of dwellings proposed to be brought forward as affordable dwellings (4 dwellings in this case). A viability appraisal has been submitted to demonstrate that this provision cannot be achieved within the brownfield area of the site, and points out that the offer to provide 10 affordable dwellings on the land outside the framework brings forward more units than could be secured within the other part of the site. Although officers accept this in principle, should Members be minded to support the application, independent confirmation of the findings of the appraisal should be sought (to be funded by the applicant), to ensure that provision of additional affordable housing units on the front section of the site is not viable

Impact on character of the area and trees

45. The rear section of the site is part of a larger area of land, which is well enclosed by existing planting on the north and east boundaries. The area to the west of the site is covered by residential development in depth, in the form of Tower Close and properties fronting The Causeway. To the south are the rear gardens of properties in The Causeway and Orchard Close.
46. The development of the site will not have a significant effect on the wider landscape character of the area, and will result in the removal of the existing former commercial building, with the potential to improve the immediate visual character of the area. Officers are of the view that the development of land at the rear would have less visual impact on the character of the area than the development of 10 affordable houses on the opposite side of The Causeway (see para 41 above).
47. It is imperative that the two trees to the east of the access roadway, within the garden of No.131, are retained, as these play an important part in the existing character of the area. Although access is a reserved matter the applicant has provided a drawing which demonstrates that an adoptable roadway, with footpath of the west side, can be provided whilst safeguarding the trees. Details of this will need to be controlled by condition as outlined in the comments of the Trees Officer.

Residential amenity

48. The detailed layout of the site is not a matter to be considered at this stage, and therefore the impact of the siting of proposed dwellings on adjacent properties is one that will be considered at the time of a reserved matters application. Although there are areas on the indicative layout where officers would have concerns about potential neighbour impact, these can be resolved by appropriate siting at reserved matters stage, and the indicative layout will not form part of any consent. Officers are of the view, however, that the plan demonstrates that the number of dwellings for which consent is sought can be satisfactorily accommodated.

49. The occupiers of No125 The Causeway, to the west of the site, have expressed concern about the impact of the additional traffic on the access road on their house and garden. The house contains windows serving two bedrooms in the first floor elevation facing the site, 5m from the boundary. These are the only windows serving these rooms.
50. The existing access will previously have been used to serve both the former warehouse building and the commercial use of the building (manufacturing and production) at the rear. Although the level of traffic will have been much reduced in recent years, the applicant states that up until the Company's relocation the business employed 20-30 people, working shift patterns. The applicant states that there would have been at least 10-15 employees at the premises at any one time during the day and evening. Traffic data supplied by the applicant, based on the floor area of commercial floorspace, suggests that daytime peak period traffic movements may be reduced from former levels as a result of the proposed redevelopment. Officers accept however that evening and weekend levels will be greater.
51. There is an existing fence along the side boundary with No.125 The Causeway, which will need to be extended along the remainder of the west boundary should development proceed. Officers accept that there will be a degree of additional noise and disturbance to the occupiers of No.125 and other properties along the west boundary of the site, particularly during the evening and weekends. However, they are of the view that the degree of disturbance will not be such as to warrant refusal of the application on these grounds, particularly given the proximity of No.125 in particular to The Causeway, which will carry a significantly higher level of traffic than the proposed access road.
52. The impact of headlights from traffic leaving the proposed access road on properties on the opposite side of The Causeway, is not considered to warrant refusal of the application.
53. The location of new street lighting along the access roadway will need to be considered carefully at the reserved matters stage to ensure that it does not result in the unreasonable loss of residential amenity.

Highway safety

54. The Highway Authority has not objected to the application, and the applicant has demonstrated that a suitable access can be formed to The Causeway, via an upgrading of the existing site access.
55. Although a development of 20 dwellings will add to the existing traffic levels, it will not be significant in terms of a percentage increase in the number of vehicles currently using The Causeway.
56. The impact of the use of the access on residential amenity has been considered above. The local comment that access to the site should be gained from Tower Close is noted, however given the lack of objection to the proposed access from the Local Highway Authority.

Other matters

57. The applicant has accepted the need for contributions in respect of public open space, community facilities and waste receptacle provision, and a draft Section 106 securing these will be prepared to cover these matters, and secure the provision of

the affordable housing. The County Council has not requested an education contribution, although officers have asked that it confirms this position.

58. A condition can be imposed on any consent for a scheme of surface water drainage, and renewable energy technology. Anglian Water has not commented on the application.
59. The applicant has provided a report demonstrating that there are no significant ecological constraints within the existing site.

Conclusion

60. This is an unusual case given the scale of development proposed in Kneesworth, Officers have outlined above the adverse impacts of the proposed development, however these have not been considered to be of sufficient weight to warrant recommending to Members that the application is refused even without taking account of the 5-year supply situation.
61. Regarding the need to assess the application in accordance with paragraph 14 of the NPPF these potential adverse impacts need to be considered against the benefits of the proposed development.
62. In this case the benefits are the addition of 20 dwellings, which the applicant's agent has confirmed are deliverable within the period 2014-2019; the provision of 10 affordable dwellings (with priority of occupation for local persons), which contribute towards the 1,612 people on the Council housing needs register (December 2013) and in particular the 87 persons identified as being in housing need in Bassingbourn-cum-Kneesworth; and the redevelopment of that part of the site which is currently vacant and would otherwise continue to deteriorate to the detriment of the character of the area.
63. Officers are of the view that in this case, for the reasons outlined above, the adverse impacts of the development are not considered to significantly and demonstrably outweigh the benefits when assessed against the material considerations set out in this report, and the proposed development remains acceptable.

Recommendation

64. That subject to independent assessment of the viability appraisal and the prior signing of a Section 106 Agreement, that officers be given delegated powers to grant outline consent, subject to conditions.

Conditions (to include)

- (a) Outline only
- (b) Reserved matters
- (c) Approved drawings
- (d) Implementation of Landscaping
- (e) Tree/hedge protection
- (f) External materials
- (g) Surface water drainage
- (h) Restriction on hours of power driven machinery during demolition and construction
- (i) Contamination
- (j) Tree Protection

- (k) Roadway Details including street lighting

Background Papers

Where the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

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 Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/1199/13/OL

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