

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 October 2014

AUTHOR/S: Planning and New Communities Director

Application Number: S/1827/14/OL

Parish: Over

Proposal: Outline Application – Erection of one dwelling

Site address: Land to rear of 18 Mill Road with vehicle access between 12 and 18 Mill Road, Over

Applicant(s): Mr I Corney

Recommendation: Delegated Approval

Key material considerations: Principle and Housing Land Supply
Sustainability of the Site
Impacts to the Countryside
Residential Amenity
Access
Flood Risk and Drainage
S106 Contributions

Committee Site Visit: Yes

Departure Application: Yes

Presenting Officer: Rebecca Ward

Application brought to Committee because: The recommendation of the Parish Council conflicts with that of Planning Officers and the applicant's partner is a District Councillor

Date by which decision due: 1 October 2014

Site and Proposal

1. The site is located outside the Over village framework and on land designated as countryside. It is situated to the south of Mill Road and to the north of Whines Lane, on the eastern edge of the village.

2. The site will be accessed from Mill Road through an existing drive (between No.18 and No.12 Mill Road). Whilst the site will be accessed from this road the main dwelling house will be situated closer to and have a stronger relationship with Wines Lane.
3. The site measures 0.24 hectares in area and currently comprises an area of open paddock land in use by the applicant. There is a hedge with trees along the southern and western boundary of the site, beyond which are residential properties and their gardens. There are ditches along the western and northern boundaries of the site.
4. The application seeks outline planning permission for the erection of a single dwelling with access. All other matters are to be reserved including layout, design and appearance and landscaping.

Planning History

5. Reference has been made to the following recent decisions in regards to the Councils Housing Land Supply :

Land West of Cody Road - S/0645/13/FL - 60 Dwellings - Appeal Allowed

Land North of Bannold Road - S/1359/13/OL - Residential Development of Up to 90 Dwellings with Access to Bannold Road - Appeal Allowed

Land between Bannold Road and Orchard Drive S/1551/04/O - Residential Development and Ancillary Open Space and Landscaping – Approved S/1260/09/RM - 62 Dwellings – Approved

6. The following applications have a connection with the site:

S/1996/88/F - Land adjacent to 3 Wines Close Over (known as 3a Wines Close) - Dwelling – Approved

C/0384/64 - Outline Application for residential development on the site – Refused in June 1964

Planning Policies

7. National Planning Policy Framework (2012)
Technical Guidance to the National Planning Policy Framework (2012)
8. South Cambridgeshire LDF Core Strategy DPD, 2007
S/T6 Group Villages
9. Local Development Framework
 - DP/1 Sustainable Development
 - DP/2 Design of New Development
 - DP/3 Development Criteria
 - DP/4 Infrastructure and New Development
 - DP/5 Cumulative Development
 - DP/7 Development Frameworks
 - HG/1 Housing Density
 - NE/1 Energy Efficiency
 - NE/2 Renewable Energy
 - NE/9 Water and Drainage Infrastructure
 - SF/10 Outdoor Play Space, Informal Open Space and New Developments
 - SF/11 Open Space Standards
 - TR/1 Planning For More Sustainable Travel

TR/2 Car and Cycle Parking Standards
TR/3 Mitigating Travel Impact
TR/4 Non-motorised Modes

10. **Supplementary Planning Documents**

District Design Guide SPD – adopted March 2010
Landscape in New Developments SPD – adopted March 2010
Open Space in New Developments SPD – adopted January 2009

11. **Draft Local Plan**

S/10 Group Villages
CC/4 Sustainable Design and Construction
H/7 Housing Density
H/11 Residential Space Standards
HQ/1 Design Principles
S/3 Presumption in Favour of Sustainable Development
S/7 Development Frameworks
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision

Consultations

12. **Parish Council** – recommends refusal. The area of the application, apart from the proposed dwelling, is outside the village framework. We will be asking the district councillor to bring this application to planning committee and will be nominating our vice chair to attend any such meeting in order to express our strong concerns in relation to this application.

Additional comments to this were submitted by the Parish Council on the 8 September. These comments can be found in appendix 1. In summary the Parish Council raised concerns in regards to the sustainability of the site and village framework concerns in regards to the recent appeals at Waterbeach.

13. **Drainage Manager** – No objections raised. Recommends a drainage condition is added to the notice to ensure concerns presented by neighbouring residents in regards to flooding are covered prior to commencement of development.
14. **Ecology Officer** – No objections
15. **Local Highways Authority** – No objections but require the following conditions to be added:
- Visibility Splays
 - Drive constructed of a bound material
 - Falls and Levels are such that no private water drains onto the public highway

Representations

16. No.12 Mill Road, No.13 Mill Road, No.18 Mill Road, No.19 Mill Road, No.20 Mill Road, No.22 Mill Road, No.33 Mill Road and No.3a Whines Lane, No 4 Wines Lane. The following material planning concerns have been raised: -

- i) Traffic generation, highway safety to vehicles and pedestrians and constrained width of the access.
- ii) Flood risk and drainage.
- iii) Loss of agricultural land.
- iv) Outside village framework.
- v) Impact on countryside and rural character.
- vi) Impact to neighbouring amenity

Planning Comments

17. The main issues to consider in this instance are: the principle of the development, 5-year land housing supply, sustainability, Impact upon the countryside, access, drainage and flooding and open space indoor community infrastructure contributions.

Principle and Housing Land Supply

18. 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.
19. On the 25th June 2014 two appeal decisions in Waterbeach found that the Council did not have a 5 year supply of housing land. The Councils housing supply policies in adopted and emerging plans are therefore out of date.
20. 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. Which states that adopted policies which are "for the supply of housing" cannot be considered up to date where there is not a 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 be taken to be policies 'for the supply of housing.
21. 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.
22. The following comments therefore relates to all other planning considerations.

Sustainability of the Site

23. Over is a designated as a Group Village in the Local Plan and has a range of services and facilities including; a primary school, doctors surgery, mobile library service, village store, hair dressers, garage, community centre and hall, church, allotments and recreation and play ground. Whilst the village does not provide the level of services a minor rural centre would, officers consider this level of provision is suitable to meet everyday needs. The addition of a single dwelling would have no material adverse or beneficial impacts on existing services.

24. As previously pointed out, the site lies on the eastern edge of the village with Mill Road running beside the site access, linking pedestrians to the services and facilities of the village. There is a bus stop at the end of the drive, with services to Cambridge throughout the day. The guide bus way is situated just outside the village with sufficient space for cycle parking. Some residents might wish to make the extra journey to get a more direct service.
25. For the above reasons officers consider that the plot is within a sustainable location in accordance with policy DP/1 of the Local Development Framework and that the development would comprise sustainable development as defined by the National Planning Policy Framework.

Housing Density

26. The site measures 0.24 hectares in area. The erection of a single dwelling would equate to a density of approximately 4 dwellings per hectare. Whilst this would not comply with Policy HG/1 of the LDF that seeks a density of at least 30-40 dwellings per hectare in villages across the district, it is considered acceptable given its sensitive location on the edge of the village, similar size of the plots and density in the immediate area and nature of the access.

Impact to the Countryside

27. The site is currently a piece of grassland used as a paddock. The site is bordered on the south, west and north by existing residential properties (No.18, No.12 Mill Road and No.3a and No.4 Whines Close) and their private amenity spaces. To the eastern edge of the site is the open countryside.
28. In accordance with policy NE/17 'Protecting high quality agricultural land' it states that council should not grant planning permission for development which would lead to the irreversible loss of Grades 1, 2 or 3a agricultural land unless the need for the development overrides the need to protect the agricultural value of the land. In this instance the Department of Environment, Food and Affairs, Agricultural Land Classification map has listed the area as Grade 2 agricultural land (although the map isn't specific to this site, the classification covers the wider area of Over), being very good quality. However, as the site is prone to some flooding, adjacent to a ditch and located in close proximity to the existing village framework, officers do not consider this particular area to be 'high quality' as to warrant the application for refusal on this basis.
29. The proposed dwelling would be situated to the southern edge of the plot in-line with the built up development of Whines Lane, situated between No.3a and No.4. As the dwelling is situated in the corner of the plot, in line with the existing built up development, views on-to the site from the countryside will remain unchanged.
30. An existing drive to the paddock is situated between No.12 and No.18 Mill Road. Public views from the street scene on to the appeal site can be seen from this point. Officers do not consider the visual link to the countryside to be significant in this particular location as there is currently a visual back drop of two storey properties from Whines Lane.
31. For the above reasons officers do not consider the proposed development would affect the openness and character of the countryside.

Residential Amenity

32. The proposal seeks outline permission only. No elevation drawings have been submitted as part of the application. These details will be dealt with in a following reserved matters application where the impacts to residential amenity will be assessed. Officers consider that the site is of suitable size such that a dwelling could be located without it having adverse impacts to neighbouring amenity in regards to being overbearing, overlooking, loss of light/over shadowing.

Access

33. Access to the site is between No.12 and No.18 Mill Road. This is an existing vehicular access and is 4m wide and is 50m in length (until it reaches the paddock). A 1.8m close boarded fence and hedging separates the drive from the residential properties.
34. As proposed, the drive would solely serve the proposed dwelling. A new garage would be situated roughly half-way down the plot with the drive extending up to this point. Whilst the width of the access might be tight in serve two passing vehicles, officers consider that any oncoming cars would be able to see what's ahead of them and would be able to hold back. At 4m the access is considered to be wide enough for larger emergency vehicles to gain acces.
35. As proposed officers consider the existing access is suitable to serve a single dwelling without having an adverse impact to highway safety. The Local Highways Authority has raised no objections to the scheme however have advised a set of standard conditions should be attached to permission.
36. In regards to the impact of a vehicle access upon neighbouring amenity, in particular the enjoyment of their garden spaces; officers consider the proposal to be acceptable for the following reasons:
- The drive will be situated away from the primary garden space of No.3a Whines Lane.
 - There is already vehicle access between No.12 and No.18 and whilst the use of the drive would intensify for a single dwelling, it is not considered to be significant.
37. For these reasons officers consider the access to be suitable and would accord with policy TR/1 of the Local Development Framework

Drainage and Flood Risk

38. The site lies with Flood Zone 1 (low risk). The western and northern boundary of the site comprises ditches which link onto the awarded water course that runs to the far east of the wider site.
39. Flood Zone 1 or land assessed as having less than 1 in 1,000 annual probability of river flooding. In accordance with the advice set out in the NPPF technical guidance, developers and local authorities should seek opportunities to reduce the overall level of flood risk in the area and beyond through the layout and form of the development, and the appropriate application of sustainable drainage systems. This should be applied to the scheme at reserved matters stage.
40. Notwithstanding this, concerns received from neighbouring residents suggested that the site does flood at times of heavy rainfall. In particular reference was made to the north-west corner of the site where the ditch along the western boundary of the site ends. Officers have consulted the Councils Drainage Manager, who agreed that this

concern could be covered by condition ensuring the ditches are re-instated and maintained. The agent/applicant is aware of this and has agreed to a condition being added on the permission.

Open Space, Indoor Community Infrastructure, Waste

41. The agent/applicant has submitted a heads of terms application to secure the necessary S106 contributions in accordance with adopted policy. An agreement will need to be completed prior to issuing a decision notice.

Other Matters

42. Officers have been made aware that 'Honey Fungus' has been seen to grow on the site. Officers have made the agent/applicant aware so the right process can be used for its removal.

Conclusion

43. In considering this application, the following relevant adopted development plan policies are to be regarded as out of date while there is no five year housing land supply: ST/6: Group Villages and DP/7: Village Frameworks. Officers have therefore assessed the application in relation to all other relevant planning policies.
44. For the reasons detailed in the report, officers do not consider there to be any material adverse impacts of the development in relation to the impacts on the countryside, flooding/drainage, residential amenity, access and the sustainability of the site.
45. The key benefits of the scheme would be the following:
- Single house would have limited impact upon existing services and facilities
 - Set within a Group Village
 - Add a small increment to the supply of windfall sites around the district contributing to meeting wider housing targets
 - No sustainability impacts
46. The adverse impacts of this development are not considered to significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole which aim to boost significantly the supply of housing and which establish a presumption in favour of sustainable development in the context of the lack of a 5-year housing land supply. Planning permission should therefore be granted because material considerations clearly outweigh the limited harm identified, and conflict with out of date policies of the LDF.

Recommendation

47. Delegated approval subject to:

S106 contributions towards open space, indoor community facilities, waste receptacles and s106 monitoring costs

Conditions:

1. Approval of the details of the layout of the site, the scale and appearance of the 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 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 be carried out in accordance with the following approved plans: The Location Plan 1:1250, 0(90)01
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
4. Prior to the commencement of any development, 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.)
5. The details of landscaping required in condition 1 above 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. 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. Two 2.0 x 2.0 metres pedestrian visibility splays be provided and shown on the drawings. The splays are to be included within the curtilage of the new dwelling. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high.
(Reason – For highway safety)
7. The proposed drive way be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.
(Reason – For highway safety)
8. The proposed drive be constructed using a bound material to prevent debris spreading onto the adopted public highway.
(Reason – For highway safety)
9. During the period of demolition and construction no power operated machinery shall be operated on the premises before 8 a.m. on weekdays and 8 a.m. on Saturdays nor after 6 p.m. on weekdays and 1 p.m. on Saturdays (nor at any time on Sundays or

Bank Holidays), unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.
(Reason - To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

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 Core Strategy (adopted January 2007)
- Planning file reference S/1827/14/OL

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Appendix 1

Over Parish Council

Response to planning application S/1827/14/OL

Outline application - Erection of one dwelling

38 Mill Road, Over CB24 5PY

Over Parish Council considered this application carefully and voted decisively to recommend refusal, basing its argument largely on the fact that it lies outside the village framework. However we have been advised that, post-Waterbeach, this consideration carries much less weight than it once did, and that we should therefore supplement that objection with comments on "sustainability". This response addresses both issues.

1. Village Framework issues

The Waterbeach Inspector's report has been portrayed by SCDC Councillors (and to some extent by officers) as undermining village frameworks in their totality. This view is exemplified in the relevant Member Briefing Note that says in its introduction: "..... *It also has the effect that housing supply policies such as village frameworks are considered out of date.*" This has been taken to indicate that village frameworks no longer exist as meaningful concepts – a far wider demise than is justified by the appeal decisions.

The Inspector's decisions hinged on the Council's lack of a 5-year supply of housing land and he was critical of the role of the cap on **significant** housing developments in the **larger** settlements that is enshrined within the village frameworks. This is exemplified in Para 20 of the 'Manor Oak Homes' report where he discusses the implications of the AMR figures, figures that only involve developments down to sites of 9 homes.

Nowhere in the Waterbeach reports does the Inspector state that village frameworks should no longer apply in the case of very small-scale 'windfall' applications in lower classifications of villages – a point that the Member Briefing Note fails to make clear. All the Inspector's remarks are addressed at significant developments in larger communities like Minor Rural Centres where a cap of 30 homes is usually applied, and at the Council's consistent failure to achieve its housing requirement of some 950 homes per annum.

Within SCDC's Village Classification Report (June 2012) the villages around Cambridge are ranked according to their scores on a variety of sustainability factors relating to their services and facilities. Over, already placed in the lowest category of 'Group Village', comes equal bottom in the ranking table of 23 classified villages, scoring a grand total of 0 points. Indeed, Over fails to score a single point in every one of the assessed factors, indicating that it is one of the least sustainable locations in the area for housing development. In this regard, the Inspector's comments about higher-rated villages being appropriate locations for significant housing developments can have little relevance.

We therefore submit that Over's village framework should still be regarded as sound, and that the established rules about preventing developments outside its boundaries should be respected.

2. Sustainability issues

As has been mentioned earlier, Over is classified as a Group village, by definition poorly ranked on sustainability factors such as transport, secondary schooling, village services and employment. Indeed it was so poorly ranked that it came equal last in the list of 23 classified villages, scoring 0 points against each of these measures. (This is despite the absurd statement in the Village Classification Report (on P13) that the village is around 1000m from the Longstanton Park and Ride site - a journey that would in reality be almost 3.5km for a crow, and a full 5km for anyone travelling by road.)

The application site lies almost entirely outside the existing village framework, with just a short stretch of the proposed access route being within it. The location chosen for the proposed large four-bed+ dwelling lies on the far side of the paddock, resulting in a significant loss of arable land under the access road and turning head. There may be other reasons for choosing this location within the paddock, but this is about the poorest possible location from a sustainability viewpoint, involving the loss of much more green space than is strictly necessary.

The dwelling has been located close to the Whines Lane dwellings in order to appear part of that development, but in reality it doesn't relate to them at all. Its long access route will come via Mill Road, emerging onto a bend in that road, making use of what is currently an occasional route between existing houses for equestrian-related activities and vehicles.

A single dwelling, even a large detached unit, will not add anything to the existing village amenities, but will simply draw on them - and they are already assessed as minimal. Employment opportunities in the village are scarce, and travel will almost inevitably involve the use of a motor car, bearing in mind the low level of public transport services.

The Cambridgeshire ACRE survey, undertaken in January 2012, into Over's housing needs indicated a severe lack of smaller, affordable homes. It noted responses arguing that the wrong types of housing were being built, and that most recent developments had predominantly been of larger executive-style homes "when what we really need is affordable housing for local people". This application seeks to add yet another large executive-style home to Over's housing stock, while doing nothing to assuage the shortage of smaller homes.

Summary

Over Parish Council considers that this proposed dwelling fails virtually every test of sustainability, is of a type of which the village already has a glut, and that the vast majority of the application site lies outside the village framework that has defined the village's perimeter for many years. It therefore recommends strongly that outline planning permission is **refused**.