

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

09 August 2017

AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/0055/17/FL

Parish(es): Waterbeach

Proposal: Erection of warden/manager dwelling (to replace the residential mobile home warden accommodation)

Site address: Warden Unit, Chittering Park, Ely Road, Chittering, Waterbeach, CB25 9PH

Applicant(s): Mr Page

Recommendation: Delegated Approval

Key material considerations: Principle of Development
Impact on the open countryside
Residential Amenity Impact
Parking and Highway Safety
Contaminated Land
Flooding
Drainage
Developer Contributions
Other Matters

Committee Site Visit: 08 August 2017

Departure Application: No

Presenting Officer: Lydia Pravin, Senior Planning Officer

Application brought to Committee because: Parish Council requests the application be determined at Planning Committee

Date by which decision due: 10 August 2017 (Extension of time)

Executive Summary

1. The proposal seeks permission for erection of a warden/ manager dwelling (to replace the residential mobile home warden accommodation) located in the open countryside. The main concerns regarding this application relate to the need for the permanent dwelling to replace the residential mobile home warden accommodation in terms of the principle of development and the effect on the open countryside. The application was submitted on 20 January 2017.
2. Planning application S/0494/12/VC - Variation of Condition 2 of Planning Consent

C/1446/73/D for the temporary sitting of a static mobile home for wardens accommodation for a period of three years (retrospective) was refused. However, this application went to appeal. Appeal A – APP/W0530/C/12/2186076 was an Enforcement notice which was found to be invalid and quashed. Appeal B: APP/W0530/A/12/2185590 allowed the mobile home for three years from 04 February 2014.

3. The site has planning consent to be used for camping and touring caravans. Planning application S/2420/13/VC Variation of condition 2 of application S/0461/12/VC (Second application) approved on 23 April 2014 gave approval for the central part of the site be used all year round (12 months of the year) for camping and touring caravans (Area C). Area A to the north east of the site can only be used from 1st April-30 September in any given year and Area B to the north west from 1st February-30th November in any given year.
4. The Rural consultant and case officer have assessed the application which demonstrates there is a functional need for a warden to live permanently on the site to service the needs of visitors, deal with emergencies and to provide security. Concludes this is a well-established rural business. It relates to a well established business which has been established for at least three years and is financially sound with the clear prospect of remaining so. There are no suitable existing buildings available in the area or any buildings not currently serving the needs of the business suitable for conversion for accommodation. There is no existing dwelling serving the unit or closely connected that has recently been sold off or separated in some way. and the business is well established with good prospects as well as further. Therefore the dwelling is considered to be in accordance with policy HG/9 of the adopted LDF 2007 and paragraph 55 of the NPPF.
5. With regard to the impact on the open countryside the character of the dwellings along School Lane comprise of detached dwellings and semi-detached dwellings. There is an example of a one and a half cottage style rendered dwelling with brick plinth, dormer windows in the roof and tiled roof along School Lane. The proposed dwelling utilises a similar cottage style form with dormer windows in the roof. The dwelling is 6.4m high and is considered to be one and half storeys which is of an appropriate scale. It utilises similar materials to the existing residential mobile home warden accommodation comprising cream painted render and buff facing brickwork plinth. There will be brown timber effect upvc windows and black pantiled roof as shown on the plans.
6. There is a simple front wooden porch which is considered appropriate in its scale and proportions. Whilst there is a large gabled projection this is centrally positioned and has simple dormer windows on either side which balances out its scale and massing. The single storey northern projection is significant in its length measuring 8.9m. The size of this element and this has been reduced to 6.9m and enables the rest of the dwelling to be read as the main dwelling and reduces the bulk and massing. The three bedrooms are required due to the applicants having three children, two girls and a boy and the office is going to be used in conjunction with the business and for home schooling.
7. The site has 1.8m high fencing on the wider western boundary which then adjoins the pub car park. There is a raised bank abutting the A10 which will enable the tops of the windows and roof to be visible. There are views of the dwelling from the footway alongside part of the A10 which will be seen in the context of the caravan site. It is not seen in the context of the surrounding countryside, which is predominantly open in character. The design of the dwelling does not result in material harm to the character

and appearance of the area sufficient to sustain a refusal of the application. It is therefore not considered to be contrary to policies DP/2 and DP/3 of the adopted LDF.

Planning History

8. S/2079/15/VC - Variation of Condition 2 (Approved Plans) and 3 (Use of Areas) of Application S/2420/13/VC (Third application) – refused – appeal dismissed APP/W0530/W/15/3138037
9. S/2736/14/DC - Discharge of Condition 3 (Materials) of Planning Consent S/1616/14/FL for Erection of a Replacement Office/Reception and Staff/Utility Facilities and Storage Building – approved
10. S/1616/14/FL - Erection of a Replacement Office/Reception and Staff/Utility Facilities and Storage Building – approved
11. S/1191/14/DC - Discharge of condition 5 of planning appeal ref APP/W0530/C/12/2186076 – granted. Details submitted for position of mobile home, boundary treatment and restoration of land upon removal agreed on 13 June 2014
12. S/2420/13/VC - Variation of condition 2 of application S/0461/12/VC (Second application) – approved on 23 April 2014. This application gave approval for the central part of the site be used all year round for camping and touring caravans (Area C). Area A can only be used from 1st April-30 September in any given year and Area B from 1st February-30th November in any given year
13. S/2576/12/VC – Variation of Condition 2 (Restriction to Seasonal Use) of permission S/0461/12/VC to extend the times of the year which the site can be used for camping and touring caravans - refused
14. S/0461/12/VC - Variation of Condition 2 of Planning Application S/1446/73/F for the extension of seasonal use of touring caravan site – approved enabled extended use of part of the caravan site for 10 months from February to November
15. S/0494/12/VC - Variation of Condition 2 of Planning Consent C/1446/73/D for the temporary siting of a static mobile home for wardens accommodation for a period of three years (retrospective) – refused – appeal A – APP/W0530/C/12/2186076 – Enforcement notice was found to be invalid and is quashed. Appeal B: APP/W0530/A/12/2185590 – appeal is allowed dated 04 February 2014 which gave three years from the date of the decision for the mobile home
16. S/0461/12/VC - Variation of Condition 2 of Planning Application S/1446/73/F for the extension of seasonal use of touring caravan site – refused
17. S/1926/11 - Variation of Condition 2 of S/1446/73/F for the temporary siting of static mobile home to serve as warden's accommodation for a period of three years, the extension of use of the caravan site season by 2 months from March 1st through to October 31st and the provision of security entrance barrier (Retrospective) - refused
18. S/0700/11 - Retention of Office porta cabin building in connection with the existing Caravan and Camping Site – approved
19. S/0671/08/F - Amendment to planning permission S/1217/04/F to enable use of one holiday (touring) pitch to provide warden's caravan accommodation for all year

- occupancy on a permanent basis – refused on the grounds of flood risk and harm to the character of the surrounding area and residential amenity
20. S/0447/06/F - Use of Existing Touring Caravan and Camping Site for the Siting of 18 Cabin Style Static Holiday Units – refused on the grounds of adverse impacts upon the residential amenities of surrounding properties
 21. S/0789/05/F - Siting of Mobile Home for Staff of The Travellers Rest – approved
 22. S/1217/04/F - Redevelopment of Existing Caravan Park to Comprise 39 Touring Pitches, New Toilet/Shower/Laundry Block, Reception Building and Internal Road. Extension of Season to 11 Months from 6th February to 5th January – approved but never implemented
 23. S/0294/86/F – All year touring caravan site and shop – refused on grounds of detriment to the character of the area
 24. S/1446/73/D – Touring Caravan and camping site (40 pitches) plus toilets and shower block – approved and has been implemented
 25. S/1027/73/O – Touring Caravan Site - approved

Planning Policies

National

26. National Planning Policy Framework 2012
National Planning Practice Guidance

Local Development Framework Core Strategy 2007

27. ST/5 Minor Rural Centres

South Cambridgeshire LDF Development Control Policies Development Plan Document, adopted July 2007

28. DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/7 Development Frameworks
HG/9 Dwelling to Support a Rural Based Enterprise
NE/6 Biodiversity
NE/9 Water and Drainage Infrastructure
NE/10 Foul Drainage – Alternative Drainage Systems
NE/11 Flood Risk
NE/14 Lighting
NE/15 Noise Pollution
SF/10 Outdoor Playspace, 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

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

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

South Cambridgeshire Local Plan Proposed Submission July 2013

- 30. S/3 Presumption in Favour of Sustainable Development
- S/7 Development Frameworks
- H/18 Dwellings to Support a Rural-based Enterprise
- HQ/1 Design Principles
- CC/8 Sustainable Drainage Systems
- CC/9 Managing Flood Risk
- NH/4 Biodiversity
- SC/7 Outdoor Playspace, Informal Open Space and New Developments
- SC/8 Open Space Standards
- SC/10 Lighting Proposals
- SC/11 Noise Pollution
- SC/12 Contaminated Land
- TI/2 Planning for Sustainable Travel
- TI/3 Parking Provision

Consultation

- 31. **Waterbeach Parish Council commented:** Waterbeach Parish Council OBJECTS to this planning application as there is already a purpose built office on site and this has been incorporated into the plans for the new build. The size of new build is a large two storey building and out of character with the surrounding area. It is not appropriate to put a permanent dwelling house on this site
- 32. Further comments were received on 20 July from Waterbeach Parish Council commenting: Waterbeach Parish Council OBJECTS to this planning application as this is an over development of the area. It is deemed inappropriate in light of the fact that other developments have been refused on the basis that there can be no more development in Chittering. Concerns were raised regarding the drainage from the current site. Soak-aways appear to be at capacity as neighbouring land has become very boggy.
- 33. **Local Highways Authority – commented:**
Requested a condition requiring a traffic management plan in the interests of highway safety.
- 34. **Rural Consultant commented:**
Visited the site on 18 May and was shown round the premises by the owners of the caravan park. The consultant concludes that the application is to construct a permanent dwelling to replace the mobile home currently used by the owner/warden and his family running the Chittering Caravan Park.
- 35. Considered the proposal by reference to Local Plan Policy HG/9 and the NPPF and referred to the appeal under planning application S/0494/12/VC - Variation of Condition 2 of Planning Consent C/1446/73/D for the temporary sitting of a static mobile home for wardens accommodation for a period of three years (retrospective) – refused – appeal A – APP/W0530/C/12/2186076 – Enforcement notice was found to

be invalid and is quashed. Appeal B: APP/W0530/A/12/2185590 – appeal is allowed.

36. Found there is a functional need for a warden to live permanently on the site to service the needs of visitors, deal with emergencies and to provide security. Concludes this is a well-established rural business, is currently profitable and has good future prospects and that there are no other suitable dwellings that could fulfil the need. The Inspector who granted the permission to retain the mobile home 3 years ago considered there was a functional need for a dwelling and that the need still exists; and the site has become more established since then with increased investment and facilities.
37. There is a similar more recent appeal has been allowed for replacing a mobile home with a permanent dwelling in Cheshire (site address: Royal Vale Caravan Park, Londong Road, Knutsford, Cheshire – outlined application for the erection of a warden/manager dwelling (all matters reserved), application reference 15/03525/OUT allowed at appeal APP/A0665/W/15/3137881). While concentrating on functional need, the Inspector did not apply a financial test, despite the need for sustainable development in the NPPF. If one were to consider the cost of the new dwelling should be taken into account for reasons requiring the business to be sustainable, this has been shown taking account of the applicants' circumstances, the business could support the warden's reasonable salary and the annual cost of providing the dwelling.
38. Commented on amended plans that they have no further comments to make 06.07.17
39. **Environment Agency** – commented:
The Agency's objection dated 07 March 2017 is withdrawn subject to the following recommendations and informatives.
40. Flood risk:
We have received the Flood Risk Assessment (FRA) submitted and find the details acceptable. However, the proposed development will only meet the requirements of the National Planning Policy Framework if the measures outlined in the FRA, Ref 'Erection of a warden/manager dwelling (to replace the residential mobile home – warden accommodation allowed on appeal) Chittering Park Caravan Site, Ely Road, Chittering, Cambridgeshire, CB25 9PH, Flood Risk Assessment together with flood warning and evacuation plan' are implemented in full unless otherwise agreed by the planning authority.
41. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
42. Flood risk advice to LPA
Internal Drainage Board
We have reviewed the submitted FRA with regard to designated main river flood risk sources only. The site is located within an Internal Drainage Board (IDB) district and the IDB should be consulted with regard to floor risk associated with their watercourses and surface water drainage proposals.
43. Advice to Applicant
Any proposed flood resilient measures should follow current Government Guidance.
44. Informatives
Requirement for surface water drainage to be piped direct to an approved system and

foul drainage disposal to be connected to a public foul sewer. There should be no possibility of contaminated water entering and polluting surface or underground waters.

45. Commented on 05 July 2017 that they have no further comments to make than those above

46. **Waterbeach Level Internal Drainage Board commented:**

This application for development is within the Waterbeach Level Internal Drainage District. The application states that surface water will be disposed of via soakaways. Provided that soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. It is essential that any proposed soakaway does not cause flooding to neighbouring land. If soakaways are found not to be an effective means of surface water disposal, the Board must be re-consulted on this matter.

47. **Environmental Health commented:**

I would have suggest that a planning condition should be attached which only allows the dwelling to be occupied in association with Chittering Park. I would also like to raise the potential impact of road traffic noise from the A10 on the new dwellings. I would therefore suggest that unless there are any other factors which planning would determine it not necessary, I would suggest a noise impact assessment to fully consider the impact from road traffic noise both internally and within the external amenity areas of the proposed dwelling. The noise assessment should be carried out as per the condition below:

- Before any development is commenced a noise assessment shall be carried out in accordance with British Standard 8233:2014 "Sound Insulation and noise reduction for buildings-Code of Practice" derived from the World Health Organisation Guidelines for Community Noise: 2000, a scheme for protecting the proposed dwellings from noise from the A10 shall be submitted to and approved in writing by the local Planning Authority and all works which form part of the approved scheme shall be completed before any one of the permitted dwelling is occupied.
- To satisfy the noise insulation scheme condition for the residential building envelope and traffic noise, the applicant / developer must ensure that the dwelling is acoustically protected by a noise insulation scheme, to ensure the internal noise level within the habitable rooms, and especially bedrooms comply with British Standard 8233:2014 "Sound Insulation and noise reduction for buildings-Code of Practice" derived from the World Health Organisation Guidelines for Community Noise: 2000. The code recommends that a scheme of sound insulation should provide internal design noise levels of 30 LAeq (Good) and 40 LAeq (Reasonable) for living rooms and 30 LAeq (Good) and 35 LAeq (Reasonable) for bedrooms. Where sound insulation requirements preclude the opening of windows for rapid ventilation and thermal comfort / summer cooling, acoustically treated mechanical ventilation may also need to be considered within the context of this internal design noise criteria. Compliance with Building Regulations Approved Document F 2006: Ventilation will also need consideration.

48. I would also advise that the following conditions/informatives should be attached to any consent granted;

Conditions

- No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with local planning policy.

- There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department.

Reason: To ensure nuisance is not caused to local residents.

- Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

Informatives

- The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service.

49. Commented on 06.07.17 that they have reviewed the information provided and the comments above would still stand.
50. Commented on 24.07.17 in light of the new ProPG guidance as follows: as the proposed dwelling is close to a major road we would expect the application to have an ADS (Acoustic design statement) in line with the new guidance. The ADS should cover the 4 key elements good acoustic design, internal noise levels, external amenity area & other relevant issues. I note that we have already sent comments requesting a noise report demonstrating the development will comply with BS8233 which is essentially what we would expect the ADS to do. I would however usually expect this prior to consent rather than by condition, to ensure that mitigation is achievable.
51. **Contaminated Land commented:**
I wish to confirm that I have received a copy of the application and have considered the implications of the proposal. I am satisfied that a condition relating to contaminated land investigation is not required.

Representations

52. **Orchards, School Lane, Chittering commented:**
- Object to the application due to concerns about further applications for permanent buildings being made leading to a housing development.
 - Size of the dwelling and impact on privacy to the garden.
 - Trees have been removed on their side.
 - The planning declaration states that the current managers dwelling is a caravan, this is not the case as there is an existing new (2 years old) dwelling which has an office located next door to it which isn't used. Concerns about what will happen with the existing building.
53. **Ikhaya, School Lane, Chittering commented:**
Over the past 12 months this site seems to have become an area for residential caravans/permanent inhabitants rather than holiday makers. There are currently around 15 static caravans most of which do not have cars/the cars have no towbar/are too small to tow caravans. They have been in situ for the whole of the winter period.
54. Our concerns re further development of the site relate to drainage/sewage treatment of the site as a whole. The ground midway along our boundary in one particular area is permanently wet despite the fact that there are large trees along the boundary. Nine fence posts have rotted at ground level and had to be replaced. The rest of the fence posts are sound./the ground is dry. The ground on the caravan site is higher than ours and it seems that waste water is draining into our site. This causes excessive growth of lush grass which animals will not eat – possibly due to contamination of sewage run off. Could you please ensure that the whole drainage scenario/soakaway situation is examined taking into account that the potential number of residents gives rise to a large volume of waste from showers/washing/toilets etc.
55. **Orchard Farm Cottage, School Lane commented:**
The application for a warden/manage dwelling to replace the mobile home is against all the conditions that the appeal inspector specified in his report on 3 March 2014.
56. The site is outside an urban or village development framework, Policy DP/7. The Inspector stated that should the site discontinue being use as a touring and camping site that the mobile home would be removed along with all equipment and materials associated with the site should be removed within 3 months, the erection of a permanent dwelling would contradict this condition.
57. Since the inspectors gave the permission for the mobile home a new much larger one has been positioned on site. As a resident I have seen no evidence that the business has increased to justify a permanent dwelling allowed in some rural enterprises, later arrivals could pull into the overnight areas as is used on other camping and caravan sites so that disturbance is kept to a minimum to the warden and other campers.
58. There have been very few visitors to the site since it opened. There are several caravans which have been sited permanently throughout the entire year and the occupants of these caravans leave and return at regular times on a daily basis, it would indicate the site is being uses as a permanent base and the occupants travel to and from work, and a lot of caravan storage.

59. Understands the need for security but the occupiers are already living on site with his family. Concerned the site is not manned all day and what arrangements are made to over this.
60. Planning Policy HG/9 states that evidence of sound financial basis needs to be shown, I see no evidence within this application to support the need of a permanent dwelling within this site.

Planning Assessment

1) Principle of Development:

61. Applications are to be determined in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The adopted Development plan comprises South Cambridgeshire Core Strategy DPD, 2007 and Development Control Policies DPD, 2007.
62. The site is located outside of the village framework. Policy DP/7 of the adopted LDF 2007 restricts development in the countryside but allows for uses which need to be located there to be permitted.
63. Policy HG/9 allows the development of a new dwelling for a rural based enterprise subject to there being a clear existing functional need relating to a full time worker, it relates to a well established unit which has been established for at least 3 years and is financially sound; there are not suitable existing buildings available in the area; the conversion of appropriate nearby buildings would not provided suitable accommodation; no existing dwelling serving the unit or closely connected with it has either recently been sold off or in some way be separated. The policy refers to the functional and financial test of Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS 7). PPS 7 is no longer extant.
64. The emerging Local Plan comprises the South Cambridgeshire Local Plan, Proposed Submission Version, July 2013 and associated Policies Map. This plan has not yet been adopted and remains subject to independent assessment by an Inspector therefore limited weight can be attached to policy H/18 Dwellings to Support a Rural-based enterprise.
65. The policies of the National Planning Policy Framework (The Framework) are a material consideration and support sustainable development. They include support for sustainable economic growth in rural areas for development related to it. Paragraph 55 of the National Planning Policy Framework says that housing in rural areas should be located where it would maintain or enhance the vitality of rural communities. Isolated homes in the countryside are to be avoided unless there are special circumstances. These can include the essential need for a rural worker to live permanently at or near their place of work.
66. The approach of policy HG/9 is more prescriptive that than set out in the Framework and the policy relies, in part, on the former PPS7. The policy is not fully consistent with the aims of the Framework and this reduces the weight given to any conflict with its requirements.
67. The Rural Consultant has assessed the information submitted by the agent with

regard to the functional need to live permanently on site. These are :

- a) The need for someone responsible to be available at any time throughout the year to receive visiting caravan owners, to open the barrier, show them to an appropriate pitch, explain the conditions of the site; explain the facilities, complete paperwork;
- b) To deal with emergencies, such as ill health or accident and physical problems such as frozen water, power break downs etc
- c) Ensure that the site licence conditions are met by customers
- d) Provide security, both to exclude the undesirable visitors and provide a presence to given comfort for residents

68. The Rural Consultant has confirmed this does give rise to a functional need to live on the site. The policy refers to a full time worker and the applicants do work full time on site
69. With regard to whether the business is well-established and is financially sound. The site has had a permission for camping and touring caravans and has had the touring caravan licence for over 40 years and it is only more recently that it has been fully developed. The applicants purchased the site 6 years ago and has been established for over 3 years.
70. The site has planning consent to be used for camping and touring caravans. Planning application S/2420/13/VC Variation of condition 2 of application S/0461/12/VC (Second application) approved on 23 April 2014 gave approval for the central part of the site be used all year round (12 months of the year) for camping and touring caravans (Area C) with a requirement for the site operator to maintain an up to date register of names and addresses of the occupiers of all caravans stopping within the application site for a continuous period in excess of 28 days, together with their dates of occupation, and has to make the register available to the local planning authority at all reasonable times upon request. Area A to the north east of the site can only be used from 1st April-30 September in any given year and Area B to the north west from 1st February-30th November in any given year.
71. The business has been profitable and confidential accounts submitted to the Council show the balance sheets for the last two financial years to the end of October 2016 rising from 2015 to 2016 and that a further rise in profit is anticipated this year. A new officer has recently been invested in and was paid for out of profit and it is hoped to rebuild the toilet block in the near future. The Rural Consultant confirmed the management of the site is good, its location ensures its year round attraction for people visiting for short periods in the area for either business or pleasure and states there is no reason that this will not continue and potentially increase.
72. In terms of the availability of suitable housing, Chittering is a small rural hamlet and the number of houses coming onto the market are limited. Two x4 bedrooms houses a large 6 be residents on the market of £450,000 and £47,500 with the enlarged one for £1,125m. Although they are relatively close, it would not be possible to full carry out the functions needed to support this enterprise without actually living on the site. The cost is also considered to be out of reach if the cost was to be supported by the business.
73. There are no buildings available on the site which would be suitable for conversion on site for residential use. Planning application S/ S/1616/14/FL gave consent for- Erection of a Replacement Office/Reception and Staff/Utility Facilities and Storage Building which is being used for the business. No dwellings have been sold off from the site since the separation from the Travellers Rest Public House.

74. Planning application S/0494/12/VC - Variation of Condition 2 of Planning Consent C/1446/73/D for the temporary sitting of a static mobile home for wardens accommodation for a period of three years (retrospective) – refused – appeal A – APP/W0530/C/12/2186076 – Enforcement notice was found to be invalid and is quashed. Appeal B: APP/W0530/A/12/2185590 – appeal was allowed dated 04 February 2014 and gave consent for three years from the date of the decision. The current application was submitted on 10 January 2017 and whilst the current mobile home on site is in breach of condition 4 the proposed the current application has been submitted to address this.
75. In this appeal decision the Inspector acknowledged the business contributed to the rural economy and since then the business has become better established and is operating in profit. The business would be able to support the dwelling being built whilst maintaining a salary for the warden over 25 years if the average future profits continue at the present rate which includes the sale of the mobile home.
76. Therefore there is considered to be a functional need for the permanent dwelling, it relates to a well established business which has been established for at least three years and is financially sound with the clear prospect of remaining so. There are no suitable existing buildings available in the area. The conversion of appropriate near by building would not provide suitable accommodation and there is no existing dwelling serving the unit or closely connected that has recently been sold off or separated in some way and the business is well established with good prospects as well as further investment into the site. It would be reasonable to condition that the occupation of the dwelling shall be limited to a person solely or mainly working on the site and any resident dependents as the dwelling is only deemed acceptable due to the need for the dwelling in conjunction with the rural business in accordance with policy HG/9 of the adopted LDF 2007 and paragraph 55 of the NPPF.

2) Impact on the open countryside:

77. The current residential mobile home warden accommodation is of single storey in nature comprising tiled roof, rendered walls and brown upvc fenestration. There is 1.8m high fencing on the western boundary with brick wall and wooden gates. There is a brick plinth and fencing which totals 1.8m to the southern boundary, 1.8m high fencing on the northern boundary and 1.5m high hedging along the eastern boundary. Within the site there is planting, a grassed area and gravel parking area. The top of the windows and roof is visible from the raised bank along the A10 despite the boundary treatments.
78. The character of the dwellings along School Lane comprise of detached dwellings and semi-detached dwellings. There is an example of a one and a half cottage style rendered dwelling with brick plinth, dormer windows in the roof and tiled roof along School Lane. The proposed dwelling utilises a similar cottage style form with dormer windows in the roof. The dwelling is 6.4m high and is considered to be one and half storeys which is of an appropriate scale. It utilises similar materials to the existing residential mobile home warden accommodation comprising cream painted render and buff facing brickwork plinth. There will be brown timber effect upvc windows and black pantiled roof as shown on the plans.
79. There is a simple front wooden porch which is considered appropriate in its scale and proportions. Whilst there is a large gabled projection this is centrally positioned and has simple dormer windows on either side which balances out its scale and massing.

80. The single storey northern projection is significant in its length measuring 8.9m. The size of this element and this has been reduced to 6.9m and enables the rest of the dwelling to be read as the main dwelling and reduces the bulk and massing. The three bedrooms are required due to the applicants having three children, two girls and a boy and the office is going to be used in conjunction with the business and for home schooling.
81. The site has 1.8m high fencing on the wider western boundary which then adjoins the pub car park. There is a raised bank abutting the A10 which will enable the tops of the windows and roof to be visible. There are views of the dwelling from the footway alongside part of the A10 which will be seen in the context of the caravan site. It is not seen in the context of the surrounding countryside, which is predominantly open in character. The design of the dwelling does not result in material harm to the character and appearance of the area sufficient to sustain a refusal of the application. It is therefore not considered to be contrary to policies DP/2 and DP/3 of the adopted LDF.
82. A neighbour has raised concerns about trees being removed on their side which is outside the remit of the site and this would not be considered reason to refuse the application.
83. Due to the location of the dwelling which is designated as being in the open countryside it would be reasonable to condition any lighting scheme will need to be submitted to minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.

3) Residential Amenity Impact:

84. School House the dwelling on the southern boundary has a 17m rear garden and there is 10 metres from the position of the dwelling to the existing boundary. Therefore there is 28m in total from the southern side of the dwelling to School House which is considered to be an appropriate distance. There are also no windows at first floor level on this side elevation at first floor level apart from a landing window.
85. On the eastern rear of the proposed dwelling there is only a window serving the ensuite and bedroom 3. Given the oblique angle and 31m distance from the position of the proposed dwelling to the rear of Orchard House there is not considered to be a significant overlooking, overbearing or overshadowing impact in accordance with policy DP/3 of the adopted LDF 2007. There are sufficient boundary treatments present around the siting of the new dwelling. It would be reasonable to condition these are retained to ensure privacy is protected in the interests of residential amenity in accordance with policy DP/3 of the adopted LDF 2007.
86. The dwelling has been located 10m from the boundary with School House and almost 9m from the boundary with Orchard Close. The use of the site will generate a degree of noise with some additional vehicle movements arising from the residential occupation of the dwelling. However, it is not uncommon for residents to experience some noise which is likely to arise from other nearby sources. This included the use of the caravan site facilities near the dwelling, a children's play area near the site access and the nearby public house.
87. The Inspector in the allowed appeal (S/0494/12/VC - Variation of Condition 2 of Planning Consent C/1446/73/D for the temporary siting of a static mobile home for wardens accommodation for a period of three years (retrospective) – refused – appeal A – APP/W0530/C/12/2186076 – Enforcement notice was found to be invalid and is quashed. Appeal B: APP/W0530/A/12/2185590 – appeal is allowed) considered the

noise impact on neighbouring properties and from the A10. Although the existing residential mobile home warden accommodation was only granted consent for 3 years this is a fair period of time. The dwelling is 10m from the boundary with School House and 9 metres from the boundary which abuts Orchard Close given this is only for one dwelling there is not considered to be significant harm in terms of noise from the dwelling on the amenity of these dwellings.

88. With regard to impact of noise from the A10 the Environmental Health Officer has requested a noise impact assessment in light of the new ProPG guidance to fully consider the impact from road traffic both internally and within the external amenity areas of the proposed dwelling. The Inspector in the allowed appeal Appeal B: APP/W0530/A/12/2185590 considered the noise from the A10 and did not consider there to be significant harm from this noise source on the amenity of the mobile home. There is 1.8m high fencing on the western boundary and the dwelling is cited 78 metres from the A10 which is a significant distance. The dwelling at School House is in just as close proximity to the A10, albeit on School Lane however, given the new guidance and the permanency of the new dwelling it would be reasonable to condition this paying regard to policy NE/15 of the adopted LDF 2007.

4) Parking and Highway Safety

89. In consultation with the Local Highways Authority it would be reasonable to add the Traffic Management Plan condition to ensure there is not a significant highway safety issue in accordance with policy DP/3 of the adopted LDF 2007. There is sufficient provision on site for two cars to parking in accordance with policy TR/2 of the adopted LDF 2007.

5) Contaminated Land

90. There is no requirement from the Contaminated Land officer regarding a condition for any contaminated land in accordance with policy DP/1 of the adopted LDF 2007.

6) Flooding

91. As the site is located in Flood Zone 1 and the access is in Flood Zones 2 and 3 a Flood Risk Assessment together with flood warning and evacuation plan has been submitted it would be reasonable to condition in accordance with policy NE/11 of the adopted LDF to ensure there is not a significant flooding issue.

7) Drainage

92. It would be reasonable to condition a scheme for the provision and implementation of surface water and foul water drainage to ensure there is a satisfactory method in accordance with policy DP/1, NE/9 and NE/10 of the adopted Local Development Framework 2007. It is proposed for the surface water to drain to soakaways and foul water to the existing treatment plant on site.

8) Developer Contributions

93. Under the provisions of policy DP/4 of the current LDF the applicant would be required to make financial contributions to towards the supply of off-site open space and infrastructure provision.
94. Regulation 122 of the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development of the

obligation is: -

- i) Necessary to make the development acceptable in planning terms;
- ii) Directly related to the development; and,
- iii) Fairly and reasonably related in scale and kind to the development.

95. The Written Ministerial Statement and NPPG dated November 2014 seeks to limit Section 106 contributions secured from small scale developments of less than 10 no. dwellings or those where the gross floor space would not exceed 1000 square metres. Therefore given the small scale of the development, no contributions in relation to open space and community facilities could be secured from the development.

9)Other Matters

96. A neighbour raised a concern that since permission was granted for the mobile home a new much larger one has been positioned on site. Planning application S/1191/14/DC - Discharge of condition 5 of planning appeal ref APP/W0530/C/12/2186076 – granted provided details for position of mobile home, boundary treatment and restoration of land upon removal agreed on 13 June 2014 in the current position of the mobile home. The unit on site is still considered to be a mobile home as it does not have foundations.
97. With regard to concerns about the site becoming a future housing site and what will happen to the replacement officer/reception and staff/utility facilities and storage building associated with the site. Any material change of use of the land or building would require a planning application and would have to be considered on its own merits.

Recommendation

98. Officers recommend that the Committee approves the application subject to:

Conditions

- (a) 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.)
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans: 001 Rev A and 002 Rev A
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (c) No demolition or construction works shall commence on site until a traffic management plan has been agreed in writing with the Local Planning Authority. The principle areas of concern that should be addressed are:
 - (i) Movements and control of muck away lorries with particular reference to peak hours along the A10 (all loading and unloading shall be undertaken off the adopted highway)
 - (ii) Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on street
 - (iii) Movements and control of all deliveries with particular reference to the peak hours along the A10 (all loading and unloading shall be undertaken off the adopted public highway)

(iv) Control of dust, mud and debris in relationship to the operation of the adopted public highway

Development shall be carried out in accordance with the approved details.

(Reason: In the interests of highways safety in accordance with policy DP/3 of the adopted Local Development Framework 2007.)

- (d) Prior to the commencement of any development, a scheme for the provision and implementation of foul 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 reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
- (e) 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.)
- (f) Prior to the commencement of development details of the insulation to be installed to the interior face of the walls of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a noise assessment which demonstrates that the noise levels emitted from the A10 would not exceed background noise levels once the proposed insulation is installed. The noise assessment shall also measure the level of noise within the amenity space included within the development hereby approved and shall include any measures necessary to mitigate the impact of any noise above background level. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
(Reason - To ensure a satisfactory level of amenity for future occupants in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- (g) The dwelling hereby permitted shall be limited to a person solely or mainly working on the site known as Chittering Park Caravan site and any resident dependents.
(Reason - By virtue of Policy HG/9 of the adopted Local Development Framework 2007 only allowing the dwelling due to the need for it in connection with the business.)
- (h) The Flood Risk Assessment entitled 'Erection of a warden/manager dwelling (to replace the residential mobile home - warden accommodation allowed on appeal) Chittering Park Caravan Site, Ely Road, Chittering, Cambridgeshire, CB25 9PH, Flood Risk Assessment together with flood warning and evacuation plan' mitigation measures shall be fully implemented prior to the occupation of the dwelling or details shall be submitted to and agreed in writing by the Local Planning Authority.
(Reason: To ensure there is not an unacceptable flood risk in accordance with policy NE/11 of the adopted Local Development Framework 2007.)
- (i) During the period of construction, no power operated machinery shall be operated on the site and there shall be no construction related deliveries taken at or dispatched from the site before 0800 hours and after 1800 hours on

weekdays or before 0800 hours and after 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.)

- (j) No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)

- (k) The boundary treatments surrounding the site shall be retained or details shall be submitted to and approved in writing by the Local Planning Authority.

(Reason - To ensure privacy is protected in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

99. **Informatives**

- (a) The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service.
- (b) There shall be no burning of any waste or other materials on the site, without prior consent from the Environmental Health Department to ensure nuisance is not caused to local residents.
- (c) Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

Background Papers:

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)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0055/17/FL
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Report Author:

Lydia Pravin
Telephone Number:

Senior Planning Officer
01954 713020