

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

7 March 2018

**AUTHOR/S:** Joint Director for Planning and Economic Development

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**Application Number:** S/4112/17/OL

**Parish(es):** Fowlmere

**Proposal:** Outline planning application for development of 1No. detached house as part of the SCDC Right to Build Vanguard

**Site address:** Land to the rear of 1 Westfield Road, Fowlmere

**Applicant(s):** Laurence Castle, South Cambridgeshire District Council

**Recommendation:** Approval

**Key material considerations:** Five year supply of housing land  
Principle of development  
Impact upon the local area  
Residential amenity of neighbouring properties  
Highway safety  
Surface water and foul water drainage

**Committee Site Visit:** 6 March 2018

**Departure Application:** No

**Presenting Officer:** Rebecca Whitney, Senior Planning Officer

**Application brought to Committee because:** Applicant is South Cambridgeshire District Council and representations have been received against the proposal.

**Date by which decision due:** 09 March 2018 (Extension of time agreed).

### Executive Summary

1. The application seeks outline permission for the erection of one detached dwelling as a part of the South Cambridgeshire District Council Right to Build Vanguard.
2. The application site is located within the Development Framework of Fowlmere without other material site constraints. The principle of the development of a single dwelling is acceptable in this location.
3. Details regarding landscaping, and the layout, appearance and scale of the dwelling would be assessed at reserved matters stage, along with landscaping details.

### Planning History

4. None of relevance.

### **National Guidance**

5. National Planning Policy Framework 2012 (NPPF)  
Planning Practice Guidance

### **Development Plan Policies**

The extent to which any of the following policies are out of date and the weight to be attached to them is addressed later in the report.

6. **South Cambridgeshire LDF Core Strategy DPD, 2007**  
ST/2 Housing Provision  
ST/6 Group Villages
7. **South Cambridgeshire LDF Development Control Policies DPD, 2007:**  
DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/7 Development Frameworks  
HG/1 Housing Density  
NE/6 Biodiversity  
NE/9 Water and Drainage Infrastructure  
NE/10 Foul Drainage – Alternative Drainage Solutions  
NE/11 Flood Risk  
NE/15 Noise Pollution  
TR/1 Planning For More Sustainable Travel  
TR/2 Car and Cycle Parking Standards
8. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**  
Trees & Development Sites SPD - Adopted January 2009  
Landscape in New Developments SPD - Adopted March 2010  
Biodiversity SPD - Adopted July 2009  
District Design Guide SPD - Adopted March 2010
9. **South Cambridgeshire Local Plan Submission - March 2014**  
S/1 Vision  
S/2 Objectives of the Local Plan  
S//3 Presumption in Favour of Sustainable Development  
S/5 Provision of New Jobs and Homes  
S/6 The Development Strategy to 2031  
S/7 Development Frameworks  
S/10 Group Villages  
HQ/1 Design Principles  
H/7 Housing Density  
NH/4 Biodiversity  
NH/14 Heritage Assets  
CC/9 Managing Flood Risk  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision

### **Consultations**

10. **Fowlmere Parish Council** - Supports the application and requests that a traffic

management plan be required, that contractor parking be provided on site and that parking in the Top Close car park to be restricted.

11. **Cambridgeshire County Council (Local Highway Authority)** – Raises no objections, and requests conditions with regard to a Traffic Management Plan, manoeuvring space on site, driveway levels and driveway materials. An informative is recommended regarding separate permissions which may be required from the Local Highway Authority.
12. **Drainage Officer** - No objections subject to conditions regarding a foul and surface water drainage scheme.
13. **Tree Officer** - No objection, and no additional information required. It is requested that the arboricultural report be listed as an approved document if permission is granted.
14. **Environmental Health Officer** – No response received as of 14 February 2018.

### **Representations**

15. One response received from the owner/occupier of No.1 Elms Gardens, raising an objection on highway safety grounds.

### **Site and Surroundings**

16. The site is located within the Development Framework of Fowlmere with the Framework boundary directly to the north.
17. The site is not located within a Conservation Area and does not form the setting of any Listed Buildings or other built heritage asset. The site is within a Flood Zone 1 and furthermore, the site is not within the Green Belt.

### **Proposal and Justification**

18. The proposal seeks to develop a single detached dwelling as a part of the Council's "Right to Build" programme.
19. As the details of the proposal will be to the self-builders' requirements, the initial application submitted is for outline permission for the erection of a single dwelling, with a reserved matters application to be submitted by the self-builder at a later date. Nonetheless, an indicative layout has been submitted to show a 1.5 storey detached dwelling and detached single garage.
20. Matters relating to layout, scale, appearance and landscaping are to be reserved for later approval.

### **Planning Assessment**

21. The key issues to consider in the determination of this application are the principle of development and whether the development meets the definition of sustainable development in relation to proximity to services and facilities.
22. An assessment is required in relation to the impact of the proposals on the character of the village, highway safety, and the residential amenity of neighbouring properties.

## **Principle of Development**

23. Housing Supply and Self-build plots
24. The District is currently unable to demonstrate a five year supply of housing sites. Set within this context, relevant policies for the supply of housing should not be considered up-to-date and housing applications should be considered in the context of the presumption in favour of sustainable development.
25. Paragraph 50 of the NPPF states that local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. A mix of housing should be planned for based on current and future demographic trends, market trends and the needs of different groups of the community, such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes.
26. In March 2015 the government introduced the Self-build and Custom Housebuilding Act 2015 (the 2015 Act). This places a duty on certain public authorities to maintain a register of individuals who wish to acquire serviced plots of land to bring forward self-build and custom housebuilding projects and places a duty on public authorities to have regard to those registers in carrying out planning and other functions including housing, regeneration. The 2015 Act now also places a legal duty on authorities to grant sufficient development permission to meet the demand for self-build and custom build in its area.
27. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications shall be determined in accordance with the development plan, unless material considerations indicate otherwise. At present the Council does not have a specific adopted or emerging local planning policy for the provision of self-build and custom build sites in the district. Therefore, in determining this application members will need to have regard to national planning policy.
28. The proposed development if approved will make a small contribution to the demands of the self-build register. This remains a relatively new concept for the Council as a vanguard authority and officers advise that weight should be given to this factor in favour of the development if there was a need to balance this against any perceived harm. In the absence of any such harm, there is no need to secure a legal agreement to ensure they are sold of as self-build plots.
29. In a wider sense, the development of one new dwelling would help, in a modest way, to increase the supply of housing in the district.

### **Sustainability of the site**

30. The National Planning Policy Framework sets out that there are three dimensions to sustainable development; (1) Economic, (2) Social and (3) Environmental and at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking this means:
  - Approving development proposals that accord with the development plan without delay; and
  - Where the development plan is absent, silent or the relevant policies are out-of-date, granting planning permission unless any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

31. The adopted and emerging Development Plans outline that residential development and redevelopment is acceptable in Group Villages up to a maximum scheme size of 8 dwellings. It is considered that Fowlmere, whilst being categorised as a Group Village, has accessibility to services and facilities, employment opportunities and public transport provision such that it could support one additional dwelling.
32. The site is within the Development Framework and therefore development of a single dwelling is considered acceptable in principle in accordance with Policy DP/7 of the adopted Local Development Framework, albeit only limited weight can be given to this policy given the current housing land supply deficit.

### **Housing Density**

33. The area of the site is approximately 0.056 hectares; with the provision of 1 residential unit, this would equate to a development of approximately 18 dwellings per hectare. This is a lower density than the 30 dwellings per hectare sought by the Council's adopted and emerging planning policies HG/1 and H/7, however it is considered acceptable with regard to the character of the neighbouring properties so as not to significantly disrupt the rhythm of development along Westfield Road, which is characterised by semi-detached pairs set back from the highway, with long, narrow rear gardens.

### **Layout and Neighbouring Amenity**

34. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people. Amongst other things, good design should function well over the lifetime of the development, establish a strong sense of place, optimise the potential of the site to accommodate development, respond to local character without preventing or discouraging appropriate innovation, be safe and accessible and be visually attractive in terms of architecture and landscaping.
35. The NPPF states that local planning authority decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.
36. There are existing residential dwellings to the south of the site. Detailed designs including their scale will not be submitted until reserved matter stage and therefore will offer the self-builders some flexibility. Notwithstanding this, the district council has to be comfortable that the additional residential unit can fit within the parameters of the site without having a detrimental impact to neighbouring occupiers.
37. The indicative layout demonstrates that a single unit with adequate private amenity space, detached single bay garage, turning area and two car parking spaces could fit on the site. The southern site boundary is separated from the rear elevation of No.1 Westfield Road by 12m, which complies with the wall-to-window distances set out in the District Design Guide SPD, should the proposed dwelling be sited close to the boundary. Given the proximity to the neighbouring garden, no first floor windows or

doors should be located on the southern elevation (at reserved matters stage), unless they are obscure glazed and non-opening.

38. Officers consider the potential to overlook could be designed out through by the careful orientation of the rooms, and a condition requiring that details of the boundary treatments be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.
39. It is recommended that a condition be attached to any permission granted to require that no construction site machinery or plant be operated, and no construction related deliveries be taken at or despatched from the site before 0800 hours and after 1800 hours on weekdays, 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 in order to minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.
40. Based on the submitted plans officers consider any reserved matters scheme is likely to accord with policy DP/3 of the Local Development Framework and not cause significant or adverse harm.

#### **Highway Safety and Parking**

41. The Local Highway Authority raises no objections to the proposed development, and requests conditions. It is recommended that a condition be attached to any permission granted to require that a Traffic Management Plan be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works, in the interests of highway safety in accordance with Policy DP/3 of the Local Development Framework.
42. This condition is considered reasonable and necessary given the constrained nature of Butts Lane, and is considered to address the concerns of the Parish Council and the owner/occupier of No.1 Elms Gardens regarding traffic management, contractor parking and deliveries.
43. Compliance conditions are also considered necessary regarding the provision of manoeuvring space on site, driveway levels, driveway materials in the interests of highway safety, in accordance with Policy DP/3 of the Local Development Framework.
44. An informative is recommended regarding separate permission which may be required from the Local Highway Authority, for the attention of the applicant.
45. The indicative plans submitted with the application demonstrate that the dwelling could accommodate up to two on-site spaces. The development would therefore appear to be compliant with parking standards set out in Policy TR/2 of the Local Development Framework.

#### **Trees and Landscaping**

46. There are some existing trees on the boundaries and within the application. An arboricultural assessment has been submitted in support of the application which accurately plots the existing trees and their root protection areas to determine the developable areas of the site and to inform any necessary tree protection measures during construction.

47. The Council's Tree Officer has reviewed the arboricultural assessment report and raised no objections, requesting that the report be listed as an approved plan should planning permission be granted. Officers consider it reasonable to list the plan under a compliance condition requiring that development be carried out in accordance with the approved plans.
48. Any reserved matters application will be expected to be supported by an updated arboricultural report and tree protection strategy. The acceptability of the development will be dependent upon the proposed layout and its impact upon, and relationship to, the existing trees.
49. On this basis the Council's Tree Officer has raised no objections to the proposed development and it would accord with Policies DP/2 and NE/6 of the Local Development Framework which seek to ensure that the development is satisfactorily assimilated into the area and enhances biodiversity.

### **Heritage Assets**

50. The application site is located approximately 48m to the north of Fowlmere Primary School; the main building to the south of the school site is a Grade II Listed Building, which has been significantly extended to the north and east, with sports courts located opposite the application site.
51. The application site is not considered to contribute to the setting of the Listed Building due to the physical separation between the two sites, and the built form of Nos.1 and 2 Westfield Road which separates views of the application site and the Listed Building.

### **Drainage**

52. The proposed development is considered acceptable with regards to sustainable drainage subject to conditions requiring that a scheme for the disposal of surface water and foul water shall be provided to and agreed in writing with the local planning authority before works commence, and that all external areas should utilise permeable surfaces. Officers consider it to be reasonable and necessary to attach these conditions to any permission granted to ensure that the development is carried out in accordance with Policies NE/9 and NE/10 of the Local Development Framework.

### **Other Matters**

53. It is noted that Environmental Health Officers were consulted as a part of this application, but no response was received. The standard condition usually requested regarding noisy works has been recommended as above. It should be noted that Environmental Health Officers will be consulted at reserved matters stages, and any outstanding concerns can be addressed at that stage.

### **Conclusion**

54. The proposed development would accord with the development plan being inside the village framework. Given the fact that the Council cannot currently identify a five year supply of housing land, in accordance with the guidance in paragraph 14 of the NPPF, in balancing all of the material considerations, planning permission should be granted unless the harm arising from the proposal would 'significantly and demonstrably' outweigh the benefits.
55. The provision of one self-build plot in a suitably sustainable location within the Development Framework will benefit the local self-build register, although there is no

material planning reason to oppose the application without this requirement.

56. Having considered the proposed development against the applicable national and local planning policies, and having taken all relevant material into account, it is recommended that planning permission should be granted in this instance.

### **Recommendation**

57. Approval subject to:

### **Conditions and Informatives**

Planning conditions and informatives as set out below, with the final wording of any amendments to these to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission:

### **Conditions**

- 1) Approval of the details of the layout of the site, the scale and appearance of 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 begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason - The application is in outline only.)
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - a. Site Location Plan only on drawing no.1574-P-501, and
  - b. Arboricultural Report by Argenta Tree Surveys reference ATS0145 V1, dated October 2017.  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- 5) No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing with the Planning Authority. The development shall be carried out in accordance with the approved details. The principal areas of concern that should be addressed are:
  - a. Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted public highway)
  - b. Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on street.
  - c. Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway)
  - d. Control of dust, mud and debris in relationship to the operation of the adopted public highway

The area shown as a manoeuvring space shall be kept free from any obstruction.

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

- 6) The proposed drive way shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the highway. The use of permeable paving does not provide sufficient long term surety of drainage and as such positive measures to prevent private water entering the highway should be provided.  
(Reason – To ensure the safe and effective operation of the highway in accordance with Policy DP/3 of the Local Development Framework)
- 7) The proposed driveway shall be constructed using a bound material, for the first five metres from the boundary of the highway into the site, to prevent debris spreading onto the adopted public highway.  
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the Local Development Framework)
- 6) 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.)
- 7) Prior to the occupation of the dwelling, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for the dwelling shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.  
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
- 8) Prior to the commencement of 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.)
- 9) Prior to the commencement of 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.)

- 10) No construction site machinery or plant shall be operated, no construction related deliveries taken at or despatched from the site before 0800 hours and after 1800 hours on weekdays, 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.)

### **Informative**

The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

### **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 Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File Reference: S/4112/17/OL

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