

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 11 July 2018
AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/0971/18/OL

Parish: Meldreth Parish Council

Proposal: Outline planning permission for residential development (nine dwellings) with all matters reserved except for access

Site Address: Land to the south of Whitecroft Road, Meldreth, Royston, SG8 6ND

Applicant: Mr N and Mr W Elbourn

Recommendation: Approval

Key Material Considerations: Principle of Development
Character and Design
Highway Matters
Impact to Heritage Assets
Trees
Ecology and Biodiversity
Residential Amenity
Flooding

Committee Site Visit: 10 July 2018

Departure Application: Yes – Advertised 21 March 2018

Presenting Officer: Aaron Sands, Senior Planning Officer

Application Brought to Committee Because: The application is a departure from the adopted local plan and objections have been received from the Parish Council.

Date by Which Decision Due: 09 Apr 2018 – Extension agreed to 16 July 2018

Executive Summary

1. This application proposes up to 9no. dwellings outside the adopted Development Framework. The application is made in outline with only matters of access for determination at this stage, served from an existing access on to Whitecroft Road.
2. As the site sits outside the Development Framework, officers consider it is clearly contrary to adopted policies DP/7 and emerging policy S/7. That said,

the site is surrounded by built development and brownfield land such that it is a contained site. Officers consider this is a material consideration that outweighs this conflict with the development plan, in light of the reasons for the inclusion of those policies it conflicts with.

3. Officers note a number of local objections to the proposal, particularly in respect of ecology, impacts to protected trees and highway safety. Relevant consultees have raised no objections on these grounds, and on balance officers consider there is sufficient comfort that the site could be developed without resulting in an adverse impact in respect of these matters.

Planning History

4. None Relevant

Site Description

5. The site comprises what appears to be a former Christmas tree site that was never harvested, and has subsequently led to a proliferation of tall, densely packed pine trees that fill the site. An existing access to the site is available direct to Whitecroft Road that appears to serve a small number of dwellings as well as provide access for this business itself.
6. The site is surrounded by residential properties, except along its south eastern boundary which is shared with what appears to be active orchard and farm shop. There are two tree preservation orders (TPO) that run to the south west of the entrance to the site, and further within the entrance of the site, covering 2no. ash and 1no. poplar trees and 3no. ash trees respectively.

Proposal

7. This application proposes the erection of up to 9no. dwellings. It is in outline form with all matters reserved with the exception of access, which would be served from the existing access into the site with alterations to improve that access.

Relevant Planning Policy

8. National Policy

National Planning Policy Framework 2012 (NPPF)
National Planning Practice Guidance (NPPG)

9. Core Strategy Policies (DPD) 2007

ST/2 Housing Provision
ST/6 Group Villages

10. Development Control Policies (DPD) 2007

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and New Developments
DP/5 Cumulative Development

- DP/6 Construction Methods
- DP/7 Development Frameworks
- HG/1 Housing Density
- HG/2 Housing Mix
- HG/3 Affordable Housing
- SF/10 Outdoor Playspace, Informal Open Space, and New Developments
- SF/11 Open Space Standards
- NE/1 Energy Efficiency
- NE/4 Landscape Character Areas
- NE/6 Biodiversity
- NE/9 Water and Drainage Infrastructure
- NE/10 Foul Drainage - Alternative Drainage Systems
- NE/11 Flood Risk
- NE/12 Water Conservation
- NE/14 Lighting Proposals
- NE/17 Protecting High Quality Agricultural Land
- CH/4 Development within the Curtilage or Setting of a Listed Building
- TR/1 Planning for More Sustainable Travel
- TR/2 Car and Cycle Parking Standards
- TR/3 Mitigating Travel Impact
- TR/4 Non-motorised Modes

11. Submission Local Plan 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/7 Development Frameworks
- S10 Group Villages
- CC/1 Climate Change Mitigation
- CC/4 Sustainable Design and Construction
- CC/6 Construction Methods
- CC/8 Sustainable Drainage Systems
- CC/9 Managing Flood Risk
- HQ/1 Design Principles
- NH/2 Protecting and Enhancing Landscape Character
- NH/4 Biodiversity
- NH/14 Heritage Assets
- H/7 Housing Density
- H/8 Housing Mix
- H/9 Affordable Housing
- SC/10 Lighting Proposals
- SC/12 Contaminated Land
- TI/2 Planning for Sustainable Travel
- TI/3 Parking Provision
- TI/10 Broadband

12. Supplementary Planning Documents (SPD)

- Open Space in New Developments - adopted 15 January 2009
- Trees & Development Sites - adopted 15 January 2009
- Biodiversity - adopted 2 July 2009
- Listed Buildings - adopted 2 July 2009
- Affordable Housing - adopted 2 March 2010

Consultations

13. **Parish Council** – Objection. The site lies outside the village Development Framework, there are traffic and junction risks which include significant risks, the traffic survey does not demonstrate the density and composition of traffic, there will be additional traffic entering Whitecroft road at a critical location and this is especially the case for fast moving traffic. There is also no reference to the removal of the Ash tree which has a TPO in order to widen the access. Speedwatch data has also been provided.
14. **Ecology Officer** – No objection subject to conditions requiring a Construction Environmental Management Plan to ensure the works are carried out in a suitable manner, and the requirement for an Ecological Design Strategy to be submitted to set out compensation and enhancement measures.
15. **Landscape Officer** – No objection subject to conditions requiring details of hard and soft landscaping to be submitted. Comments provided by way of advice in advance of any detailed application.
16. **Local Highway Authority** – No objection subject to conditions regarding the form of construction of the access, details of the long term maintenance strategy for streets within the development and the submission of a traffic management plan. The Highway Authority has indicated that it would not be seeking to adopt any part of the development and has requested an informative to that effect.
17. **Lead Local Flood Authority** – No comments
18. **Contaminated Land Officer** – No objection subject to a condition requiring a land contamination assessment.
19. **SCDC Drainage Consultant** – No objections subject to a condition requiring details of surface water drainage to be submitted.
20. **Environment Agency** – No objection in principle subject to satisfactory forms of drainage being implemented.
21. **Environmental Health** – No objections subject to conditions in respect of construction hours and burning of waste materials (*officer note; burning of waste materials is covered by other legislation and is therefore not a necessary condition*)
22. **Historic Buildings Officer** – Objection based on the indicative layout/building heights. It may be possible to address the concern raised through an amendment or condition. This layout would fail to preserve the setting of the listed building and cause less than substantial harm to its significance.
23. **Tree Officer** – There is a statutory protection to trees at the entrance and along the access to the site and their removal will be considered unacceptable. No objections to the proposal subject to conditions requiring an Arboricultural Method Statement Tree Protection Strategy to be submitted

and a plan showing the location of any proposed trees which will benefit from 3D cellular systems or structural soils and a method statement.

Representations

24. 18 no. objections received incorporating the following the summarised points;
- Whitecroft Road is an extremely dangerous thoroughfare as the busiest road in the village with vehicles regularly exceeding the speed limit.
 - The junction between Whitecroft road and Elin Way is a particularly difficult stretch due to reduced visibility on the bend and this site would lead to increase vehicles at this particular point.
 - The footpaths here are inadequate and this would create further issues for children who walk to and from school along this route.
 - Chiswick End has had a number of houses built in recent years and there are other developments currently planned that has and will increase the flow of traffic and result in compounding traffic impacts.
 - An access of 5m plus 2m of footpaths would pass unacceptably close to the houses at the entrance to the proposed development
 - The proposal would impact privacy, light and safety of neighbouring properties and result in additional noise from passing vehicles.
 - This application would require felling of trees with preservation orders.
 - It is important for the village to retain woodland areas for the purposes of protected species and there is an expectation of additional planting to compensate for the loss of habitat
 - SCDC looks for at least 40% of new housing to be affordable but there is a discrepancy between the application and the plans.
 - Roads and services would not be able to cope with additional development in conjunction with other developments that have been approved.
 - This development would result in the loss of habitat that promotes biodiversity.
 - Chiswick End has been a hamlet in its own right for hundreds of years, distinct from Meldreth, and this development would obliterate that distinction.
 - There have been flood events in recent years that affected Chiswick End and there is a history of poor drainage in the area that may be exacerbated by this proposal.
 - Increase in light pollution to neighbouring property from passing vehicles
 - Insufficient space to fit a footpath into the site.
 - The application site is located outside the Development Framework and does not accord with policy DP/7.
 - The proposal would result in the loss of a right of way.
 - Loss of green space that provides a countryside setting for residents surrounding the site.
 - Uncertainty that appropriate ecological mitigation can be provided.
 - The proposal brings very limited benefits that would not outweigh the environmental harm.
 - The site has a historic land-fill use and there are contamination risks.
 - The traffic survey is inadequate as it does not give any indication of density of traffic.
 - The site was discounted as part of the housing allocations due to impacts of noise and the loss of trees.
 - Impacts to a registered disabled occupant.

25. The following points have been raised that are either not material considerations or relate to matters that have been reserved and are therefore not for consideration at this stage. Officer notes are *italicised* adjacent the points for explanation;
- The village is being developed in a haphazard manner which is taking place in fields outside the Development Framework rather than in a planned and coherent fashion. *The Local Planning Authority cannot prevent applications being submitted and must determine them in accordance with the development plan.*
 - Insufficient parking has been indicated on the plans. *The plans provided are indicative and layout is not for a matter for determination at this stage. It is noted that there would appear to be sufficient parking to accord with the adopted standards, however.*
 - Concerns in respect of the scale of dwellings on the indicative plans and the potential for overlooking. *The layout plans submitted are indicative at present and therefore it is not possible to determine that there would be an impact from the buildings.*
 - If approved, the developer may seek to increase the number and density in subsequent reserved matters applications. *Any increase would be a materially different scheme and would require a new planning application.*
 - Breach of covenants and legal rights of access. *This is a civil matter and cannot be considered as part of this application.*
 - Historic restrictions on planning permissions. *Historic restrictions are not determinative or preventative of future applications. They would only require a planning application to be submitted to make any changes to the restricted elements. This application would effectively supersede any previous permission in so far as it relates to what has been determined within this application.*
 - Inaccuracy of boundary line outside the ownership of the applicants. *This matter has been raised with the developer who has provided their land registry plans that indicate the land does fall within their ownership.*
 - Disruption from works. *Matters that arise from building works are not a material consideration that would enable an application to be refused. Appropriate mitigation would be imposed as necessary or is covered by other legislation.*
 - The transport statement indicates the access would serve 50 dwellings. *This appears to be a misinterpretation, as the transport statement only indicates an indicative threshold of 50 dwellings that could be served by an access of this form, and is not an indication of number of dwellings.*

Planning Assessment

26. The key considerations in this application are;
- Principle of Development
 - Character and Design
 - Highway Matters
 - Impact to Heritage Assets
 - Trees
 - Ecology and Biodiversity
 - Residential Amenity
 - Flooding
 - Other Matters

Principle of Development

27. As of 21 May 2018, the Local Planning Authority considers that it is able to demonstrate a five year supply of housing land. This means that paras 49 and 14 of the NPPF are not engaged in rendering policies for the supply of housing out of date and creating a tilted balance in favour of additional housing,. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must therefore be determined in accordance with the development plan, unless material considerations indicate otherwise, as reinforced by the presumption in favour of sustainable development expressed in para 14 of the NPPF.
28. Policies ST/6 and S/10, which categorise Meldreth as a Group Village, state that residential development and redevelopment up to an indicative scheme size of 8 dwellings will be permitted within the village frameworks. That policy is explicit in that it is indicative, and is not, therefore, a specific cap on development. Officers consider that this proposal, given the scale of the site itself and the low density, being only 1no unit above the indicative threshold, accords with the general aim of the policy which that seek to limit the level of housing that might come forward in Group Villages to ensure services are not subject to a significant level of additional development in a short space of time.
29. Nonetheless, as the application proposes up to 9no. dwellings located on the edge of, but just outside, the development framework, approval of the proposed development would also be contrary to policies ST/6 and S/10.
30. Adopted Policy DP/7 and its emerging counterpart S/7 state that proposals outside the framework will only be supported in relation to certain specific forms of development, none of which would include this proposal. This application is therefore also contrary policies DP/7 and S/7.
31. In considering DP/7 and S/7, the supporting text to those policies notes that their purpose is twofold. Firstly, it seeks to prevent gradual encroachment and erosion of the countryside, and secondly, to prevent incremental unsustainable growth on the edges of villages.
32. This site is bordered on three sides by the development framework, and the fourth side, along the south eastern border, appears to be an active farm shop and orchard business which includes a number of reasonably large buildings and much of which is previously developed (brownfield) land. In itself, the site is not inherently unsustainable in terms of location, particularly noting that it is so well related to the Framework that defines that area, but the concern is that there would be a proliferation of unsustainable growth. However, in considering this site, and in terms of what it might lead to, the site is effectively surrounded by development or brownfield land where there is a significant opportunity, in light of the introduction of the Brownfield Land Register, for redevelopment.
33. While this site would sit outside of the Framework itself, officers do not consider that it could lead to additional incremental growth in its surroundings, as the borders of the site are such that there would not be further areas that that growth to be directed.

34. In considering the second underlying protection afforded by DP/7 and S/7, in terms of encroachment into the countryside, again, as the site is self contained there would be no further encroachment that could be made. Officers have provided comments in respect of character below, as well as the loss of trees, which are relevant and should be read in conjunction with this paragraph. The proposal is low density, and likely to involve more spacious properties, particularly noting the shape of the site that would impose limits as to where residential properties could be located and appropriate restrictions in terms of heights could be imposed, particularly noting the concerns raised in respect of the impact to listed buildings and neighbouring properties to further reduce any intrusion that might be visually identifiable in relation to the countryside.
35. In considering the Section 38(6) balance, therefore, officers consider that this proposal does not accord with the development but by virtue of the site itself, presents material considerations that outweigh the conflict with the development plan.
36. Policy HG/1 and emerging policy H/7 set a threshold of 30 dwellings per hectare (dph) for new developments, to ensure an appropriate use of land. This application proposes approximately 10dph. The policies note that there may be local circumstances that warrant lower densities of development to that proposed. In this instance, officers consider that a higher density would result in impacts to residential amenity that would not be possible to mitigate, and, noting that the comments of the Historic Buildings officer, there would be an insufficient ability to ensure no adverse impacts to heritage assets. These matters are expanded upon elsewhere in this report. It is also noted that the surrounding development, particularly along Chiswick End, is of a much lower density than 30dph. On the whole it is therefore considered the local circumstances are such that a lower density is acceptable, and in accordance with policies HG/1 and H/7.
37. Comments have been made that this site was discounted as a housing allocation following the call for sites as part of the emerging local plan. It is noted that the allocation was put forward on a basis of 30 dwellings and, notwithstanding that process, an allocation or discounting of a proposed site does not preclude consideration of an application and it may be that any proposal is either found unacceptable or acceptable even in light of that. While the site was considered unsuitable, this was principally due to insufficient information to determine that noise impacts could be made acceptable at that stage, and the landscape impacts on respect of the trees. Both of these matters are considered further below, but are considered to be acceptable.

Character and Landscape

38. The site is a former Christmas tree farm that has not been harvested for a significant length of time and the pine trees have become heavily overgrown and densely packed. The site does provide a contribution from the woodland in terms of a more rural backdrop for properties, particularly along Chiswick End where the ground level of the site is higher and makes the trees more visually prominent. That said, with the exception of those trees covered by a TPO there is no protection in place that otherwise prevents their felling in planning terms (notwithstanding any license required by the Forestry Commission).

39. It was acknowledged within the Strategic Housing Land Availability Assessment (SHLAA) that the trees provide a contribution to the character of the area in providing a transition to surrounding arable areas, though it has been noted above that the site is otherwise surrounded by built form or brownfield land such that there is limited adjoining fields. It was noted that impacts in terms of townscape and landscape impacts could be mitigated through a low density scheme.
40. The proposed development of the site would reflect more of the lower density areas of the site, particularly along Chiswick End, and while it is in outline form at the moment, the indicative plans provide some detail as to how the site could be theoretically developed. While officers note that that specific layout or scale of the buildings indicated here would not be acceptable at reserved matters stage there appears to be an abundance of room within the site that would facilitate appropriate distances from listed buildings or neighbouring properties and scale could readily be modified, and considered for its impacts under subsequent applications.
41. This development would not be the only example of penetrative development along Whitecroft Road, with the Melrose developed to the south east and a small number of dwellings in between that, as well as those buildings serving the adjoining orchard and farm shop. As such, this proposal would not be considered to be inappropriate development that undermines any particular urban form.
42. On the whole, while the loss of the trees is regrettable, their removal falls outside the control of the LPA. This is considered to be the point of harm that would occur in character and landscape terms, and mitigation through a low density development and appropriate landscaping scheme, which would fall to be determined at reserved matters stage, is considered to be possible.
43. While the final location of lighting columns or any other forms of lighting would fall under matters of layout, officers consider it appropriate to impose a condition that requires details of any lighting within the site to be submitted and agreed, in order to ensure that lighting is primarily directed downwards and at a level that is sufficiently low that it would not result in an adverse impact from light pollution that would adversely impact the character of the area.
44. The proposal is therefore considered to be acceptable in terms of character and landscape impacts and would accord with policies DP/2, NE/4, HQ/1 and NH/2, as well as the adopted District Design Guide SPD and Landscape in New Developments SPD.

Highway Matters

45. The application proposes to utilise the existing access, which serves a small group of properties as well as the Christmas tree farm. No objections have been raised by the highway authority in respect of the access itself, and it is noted that they are not intending to adopt the access if implemented as shown on the indicative plans. Notwithstanding that the Highway Authority may not choose to adopt a highway, this is not determinative, in itself, that the access could not be safe and able to adequately serve both the proposed development and the existing group of properties.

46. It is noted that there are a number of accesses and junctions in close proximity to the site entrance. A number of respondents have raised this, as well as existing issues along the road. In terms of those existing issues, this application should be considered for its material impacts on those issues and whether it would be materially harmful. It was noted at the time of the officer's visit that the visibility from the access where it adjoins Whitecroft Road was of a reasonably good level, and it appears that it would be possible to achieve and likely exceed the 43m visibility splays that would normally be sought for a road of this designation. Visibility of the access to and from the surroundings, as well as the nearby junctions was clear, such that their proximity was not considered to be harmful to vehicles using this development.
47. Officers note that the access has been shown as having a 5m width with 2m footpaths either side at the entrance of the site and this appears capable of being accommodated within the application site, noting that the land within the ownership of the applicant appears to extend across 13m at the access point. Within the site the layout is not a matter to be considered at this stage, which includes the overall road and footpath layout.
48. The access is considered to be sufficiently safe and capable of being accommodated without detriment to the highway network, and is not considered to result in adverse impacts over and above existing traffic issues. The proposal would therefore accord with policies DP/1, TR/1, HQ/1 and TI/2.
49. It is considered that the conditions recommended by the Highway Authority are necessary to make the development acceptable and in order to ensure that the development is constructed and maintained in a manner that would not be detrimental to highway safety.

Impact to Heritage Assets

50. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Authority to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest which it possesses in considering applications for planning permission.
51. The application site is bordered by a listed building to the northwest, no. 23 Chiswick End. Other listed buildings are in the nearby surroundings, but it is considered that these are at a sufficient distance, or that there is sufficient intervening development such that they would not be harmed by development of this site, noting the matters that are reserved.
52. With regard to no.23, that property is currently set against a backdrop of trees. There does not appear to be a particular historic or functional or social connection between these sites, and it is therefore an assessment on its aesthetics, having regard to the advice of Historic England in assessing the setting of Listed Buildings. The historic buildings officer has raised no objections in principle to the development of the site, but has objected to the indicative layout. Those objections relate to the scale of the buildings and their position closest to the listed building, which is indicated as a two storey dwelling. Properties along Chiswick End are one-and-a-half or low two storey buildings, with a small number of single storey dwellings. The two storey

dwelling indicated on plot 4 would be considered to fail to be subservient to the listed building and negatively impact views of that asset.

53. Notwithstanding those comments, these matters are not for consideration at present and would fall to the reserved matter of scale. The test at this stage as to whether the LPA is satisfied that an acceptable scheme could be accommodated. Those buildings closest to the designated heritage assets could be much reduced in scale or be single storey and there is ample room to relocate buildings within the site officers consider that there is an acceptable scheme that could come forward in terms of impacts to the listed buildings adjacent and surrounding the application site.
54. Comments have been made as to the historic form of Chiswick End and that it is physically distinct as a separate hamlet from Meldreth. Officers note that the area around the junction with Whitecroft Road has been developed such that there is no particular distinction between Chiswick End and the wider Meldreth. There are a number of penetrative developments in the surroundings such that this form of proposal would not be out of character with the prevailing form of development. On the whole, officers do not consider that Chiswick End is regarded as a separate hamlet any more and this proposal would not harm the historic character.
55. The proposals are therefore considered to be acceptable in terms of heritage assets and would accord with policies CH/1 and CH/4, the policies of the NPPF and emerging policy NH/14. Officers are satisfied that a reserved matters application could be submitted that would not result in harm to heritage assets.

Trees

56. Noting the historic use of the site, it has been home to a significant number of well established trees. Those pine trees that were intended to be farmed are not covered by any protection in planning terms such that they could be prevented from being felled. Notwithstanding that, these trees are of limited individual amenity value, predominantly as a backdrop behind surrounding buildings. Their densely packed nature means they are not ideal specimens to protect as their long term retention may be hampered by limited growth room.
57. There are two TPOs around the front of the site. One of these (TPO 7/66) sites to the southeast of the entrance where it adjoins Whitecroft Road. The trees here are the most visually prominent in the street scene, but are set at a sufficient distance from the site that it is not considered their retention would be prejudiced by the development.
58. Just within the site are a small group of ash trees also covered by a TPO (TPO 7/78/SC). These are visually prominent along the existing access into the site, and, while set back such that some of the overall field of view is limited, are a notable feature, set at an elevated position such that they remain important features contributing to the character of the area. It is noted that the application is not supported by a tree survey, and that these trees have not been shown on any indicative plans. Notwithstanding that, any indicative plans are not for consideration at this stage and so no weight **need** be afforded to them. No permission is granted for the removal of trees through this application, which would be determined under matters of

landscaping at reserved matters stage and officers would not be supportive of their removal. The test, therefore, is whether the LPA is satisfied that there is sufficient capacity for the retention of these trees.

59. Officers note that the red line of the application denotes an approximate 10m width at the area closest to the access point. A road to adoptable standard would require 9m in width overall, including a 5m road and 2no. 2m footpaths either side. Officers consider it is unlikely to be possible to accommodate that level of access within the site and retain the trees, but a footpath or road at a lesser width would be possible without prejudicing the retention of these trees. Appropriate mitigation may be possible to incorporate into the site, such as no dig foundations for the road if it did result in a harmful loss of root area, potentially couple with a shared space at the entrance of the site. Such measures are a matter that would be determined at detail stage under matters of layout and landscaping, but it is considered, on the whole, that there would not be an unacceptable loss of protected trees, and those trees that are unprotected are not appropriate for retention.
60. The Tree Officer has raised no objections to the principle of development and has recommended that an Arboricultural Impact Assessment and Tree Protection Plan are conditioned, as would be necessary to ensure the safety of the trees during the construction process. It is considered that the proposal is capable of being designed in a manner that would retain those trees within this site that are appropriate for retention. A landscaping scheme would be expected to also make provision for additional planting, notwithstanding that there may be other trees that are suitable for retention already in situ.
61. It is therefore considered the proposal would accord with policies DP/2 and HQ/1 and the adopted SPD with regards to Trees in Development Sites.

Ecology and Biodiversity

62. The application has been accompanied by a biodiversity assessment that indicates there is a potential risk to protected species on and using the site. The survey recommends further surveys are undertaken in respect of badgers and notes that this may be required prior to decision. The Ecology Officer has considered the proposal, and raises no objections to the proposal, either on the grounds of insufficient information or unacceptable harm to proposals. A condition is recommended to ensure construction works would not result in an unacceptable impact, and a further condition would seek a scheme of ecological enhancement, compensation and mitigation.
63. As noted above, the low density of the proposal provides some comfort that there is plentiful space within the site that this could be accommodated, such as through a greater level of development towards the front of the site, noting that the scale of the plots indicated on the indicative layout plan would appear capable of supporting two or three dwellings.
64. The LPA has been made aware that clearance of the site has been undertaken. In planning terms, there is not statutory protection that the LPA would be involved in enforcing. Any harm to protected species should be directed to the Wildlife Officer at the Police and the felling of trees not covered by a tree preservation order may be governed by the Forestry Commission.

Residential Amenity

65. Noting that this application does not include matters of scale, appearance, landscape or layout it is not possible to determine impacts from the physical built form of the development or potential associated residential paraphernalia, such as associated garage lighting, proximity of garden areas to each other or impacts from passing residents. Officers consider there is no reason that these matters cannot be dealt with in an appropriate manner at reserved matters stage.
66. In considering this proposal and noting the maximum threshold of 9no. dwellings, impacts of noise from the access can be considered, and officers consider this should be done on a 'worst case scenario' basis. In considering traffic movement, officers note that, at 9no. dwellings, total parking space requirements would be 18no. spaces, with some additional spaces for visitors. As this is a point of departure, rather than a point of destination in the same manner as a place of work, vehicles movements will be more sporadic, rather than in a single mass. The level of vehicle movements on the road at any one time, therefore, is unlikely to be materially increased by more than an additional car any one particular time. There would be some separation from the existing residences along the front of the site, and in light of the more intermittent level of movement that would be slower as it either approaches the junction or turns in from the junction, it is not considered that noise would be materially harmful to the amenity of surrounding residential properties.
67. One of the principle reasons the site was discounted from allocation was because of the potential impacts of noise from the neighbouring operational business to occupants. At the time of the officer's visit it was noted that noise was not high in the area. Operational times are likely to be mainly directed at times where there would be a reasonable expectation that occupants would be out at work, but there are likely to be some work that might occur out of standard working hours depending on the season. Notwithstanding that, officers note that, the other side of the orchard site to the south, there is residential development recently approved and historically amounts to approximately 6no. dwellings. These were not considered to suffer from a detrimental noise environment and, noting that no objection has been raised from the Environmental Health Officer, it is not considered residential units here would suffer from an unacceptable noise impact.
68. Subject to appropriate conditions, it is therefore considered that the proposal would not result in an adverse impact to residential amenity of neighbouring property. The proposal would therefore accord with policies DP/3 and HQ/1.
69. Noting the entrance to the site would be along an existing access and the works are of a scale that might have a reasonable length of works, it is considered a condition regarding construction hours is necessary to minimise impacts. Informatives have been recommended by the Environmental Health Officer to provide detail on other consents they may require in the event of noisy works or piling.

Flooding

70. The application site has been subject to a flood risk assessment. The site itself is not adjacent or covered by any Flood Zone or area of Surface Water Drainage Issues, but Flood Zones 2 and 3 sit to the north of the site running

roughly along the Chiswick End, which sits at a lower ground level. The overall level of development on this site is unlikely to result in significant levels of hardstanding, and appropriate conditions would be proposed to require the details of the surface and foul water drainage to be submitted to ensure measures are imposed to mitigate for any hardstanding that is necessary.

71. Subject to conditions that require the details of the drainage measures, officers do not consider that flooding would be materially impacted either on this site or in the nearby area. The proposal is therefore considered to accord with policies DP/2, NE/9, NE/10, NE/11, CC/8 and CC/9.

Other Matters

72. It is noted that the indicative layout plans indicate affordable housing and the application form does not. The developer has confirmed they are not intending to propose affordable housing in relation to this application. As per the Written Ministerial Statement (WMS) of November 2014, national policy indicates that contributions should not be sought on schemes of 10 units or less, which includes affordable housing. Emerging policy H/9 in its amended form accords with that WMS and as such it is not considered appropriate to seek contributions from this development.
73. The WMS also states that proposals may need to provide contributions where they proposed in excess of 1000m² of floor space. Noting that this application is in outline form it is not possible to determine the overall level of floor space. However, there is a likelihood that a scheme of 9 dwellings could result in a development in excess of the 1000m² threshold and it is therefore considered necessary to impose a condition that restricts the level of floor space that could come forward as a proposal on any reserved matters application to below that threshold.
74. Officers note the comments of the Land Contamination Officer and consider the recommended condition is necessary to ensure contamination is remediated and the potential for contamination is mitigated, particularly noting surrounding potential for flood risk. Officers have amended the condition to separate out the sections that trigger at different points for clarity.
75. Officers note the comments of the landscape officer in respect of conditions. Noting that landscaping is a matter to be considered under a subsequent application officers consider it appropriate to condition that the full details requested are submitted as part of that application. A further condition shall ensure implementation.

Conclusion

76. In conclusion, officers consider that the proposal is contrary to the adopted policies of the development plan, notably policies DP/7 & S/7, but also policies ST/6 and S/10, as the site sits outside the adopted Development Framework.
77. That said, officers consider that site specific circumstances, notably the contained nature of the site and its sustainable location in relation to the main part of the village are significant material considerations. These minimise and outweigh the conflict with those policies of the plan, having regard to the

reasons for their inclusion in the Development Plan and the harm those policies seek to prevent.

78. Noting that this application is in outline form with only the matter of access to be determined at this stage, all other matters for consideration have been considered to be acceptable as a matter of principle as set out above.

Recommendation

:

79. 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

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 and those details shall be submitted within 3 years of the date of this permission.
(Reason – In accordance with Section 92 of the Town and County Planning Act 1990 as the application is in outline form.)
2. The development hereby permitted shall be begun not later 2 years from the date of final approval of the reserved matters referred to in condition 1.
(Reason – In accordance with Section 92 of the Town and County Planning Act 1990 as the application is in outline form.)
3. In so far as it relates to matters of access and those matters of principle considered under this application, the development shall be carried out in accordance with the following plans and documents;
Location Plan
Indicative Site Layout – Drawing no. 492 (PL)10
Flood Risk Assessment dated Nov 2017 and associated appendices
Transport Statement – reference 406.07787.00001
(Reason – In the interests of clarity and to facilitate any further application under Section 73 of the Town and Country Planning Act 1990)
4. An application, or applications, for approval of reserved matters shall not result in development with a total floorspace of more than 1000 square metres (gross internal area), including all buildings for which planning permission has been given.
(Reason - The approved development is potentially of a scale which does not need to provide affordable housing. However, a limit on total floorspace is necessary to ensure that future development complies with Development Control Policy HG/3 of the adopted South Cambridgeshire Local Development Framework 2007 and H/9 of the Draft South Cambridgeshire Local Plan; the Written Ministerial Statement dated 28 November 2014; and the National Planning Practice Guidance.)
5. No construction works shall occur except between the hours of 08:00 am to 18:00 Mondays to Fridays (inclusive), 08:00 to 13:00 on Saturdays and at no time on Sundays or Bank or Public Holidays.

(Reason – To ensure the works would not adversely impact neighbouring residential amenity during the process in accordance with policy DP/2)

6. The development hereby approved shall not commence until;
 - i. The site has been subject to a detailed desk study, including sit walkover and preliminary Conceptual Site Model has been submitted to and approved in writing by the Local Planning Authority.
 - ii. The site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment that has been submitted to and approved in writing by the Local Planning Authority.
 - iii. Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) has been submitted to and approved in writing by the Local Planning Authority.

The works shall be carried out in accordance with the approved documents.
(Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007 and emerging Policy SC/12 of the Submission Local Plan 2014. This condition is required to be pre-commencement because any earthworks could result in adverse risk from existing contamination or potential impacts of other contamination.)

7. The works in the Remediation Method Statement approved in respect of condition 6(c) shall be completed and a Verification Report submitted to and approved in writing by the Local Planning Authority in accordance with the approved scheme within 6 months of the completion of those works.
(Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007 and emerging Policy SC/12 of the Submission Local Plan 2014)

8. If, during remediation and/or construction works, any contamination is identified that has not been previously considered in the Remediation Method Statement, then works shall cease until remediation proposals for this material has been submitted to and agreed in writing with the Local Planning Authority.
(Reason – To ensure measures are in place to adequately deal with any contamination previously unidentified in accordance with policies DP/1 of the adopted Local Development Framework 2007 and policy SC/12 of the Submission Local Plan 2014.)

9. Accesses to the site and serving any properties within the site shall be constructed in such a manner that prevents surface water run-off onto the highway and shall be constructed from a bound material so as to prevent displacement of material onto the highway. The development shall be retained as such thereafter.

(Reason – In the interests of highway safety in accordance with policy DP/3 of the adopted Local Development Framework and policy HQ/1 of the Submission Local Plan 2014.)

10. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Local Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
- i. Movements and control of muck away lorries (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 the street.
 - iii. Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway.
 - iv. Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.

The agreed details must then be implemented on site and maintained for the duration of the development works.

(Reason - In the interest of highway safety in accordance with policy DP/3 of the Local Development Framework and policy HQ/1 of the Submission Local Plan 2014. This condition is required to be pre-commencement because any vehicular movement has the potential to result in harm to the safety of the highway network.)

11. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

(Reason – To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with policy DP/3 of the Local Development Framework and policy HQ/1 of the Submission Local Plan 2014.)

12. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matter of landscaping. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants, noting species, plant sizes and proposed numbers/densities and implementation programme.
- (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.)

13. 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.)

14. No development shall commence until a detailed Arboricultural Method Statement and Tree Protection Strategy shall be submitted to the Local Planning Authority as part of the reserved matters of landscape. Those documents shall include details of timing of events, protective fencing and ground protection measures. The tree protection measures shall be installed in accordance with the approved strategy prior to the commencement of works and shall remain in place throughout the construction period.
(Reason – To ensure those trees to be retained on site are protected during the construction works in accordance with policies DP/2 of the adopted Local Development Framework 2007 and policy HQ/1 of the Submission Local Plan 2014)

15. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following;

- i. Risk assessment of potentially damaging construction activities.
- ii. Identification of “biodiversity protection zones”.
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- iv. The location and timings of sensitive works to avoid harm to biodiversity features.
- v. The times during which construction when specialist ecologists need to be present on site to oversee works.
- vi. Responsible persons and lines of communication.
- vii. The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- viii. Use of protective fences, exclusion barriers and warning signs if applicable.

The approved CEMP shall be ahead to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

(Reason – To ensure the development and any works implementing the development are carried out in such a manner that would not adversely impact the protected species on the site in accordance with policy NE/6 of the adopted Local Development Framework 2007 and NH/4 of the submission Local Plan 2014.)

16. Prior to or concurrently with the submission of the first approval of reserved matters an Ecological Design Strategy (EDS) addressing habitat compensation and enhancement must be submitted and approved in writing by the local planning authority. The EDS shall include the following;

- i. Purpose and conservation objectives for the proposed works.
- ii. Review of site potential and constraints.
- iii. Detailed design(s) and/or working method(s) to achieve stated objectives.
- iv. Extent and location/area of proposed works on appropriate scale maps and plans.

- v. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- vi. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- vii. Persons responsible for implementing the works.
- viii. Details of initial aftercare and long term maintenance.
- ix. Details of monitoring and remedial measures.
- x. Details for disposal of any wastes arising from the works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

(Reason – To mitigate for the loss of habitat within the site and promote ecological enhancement in accordance with policies NE/6 of the adopted Local Development Framework 2007 and NH/4 of the submission Local Plan 2014.)

17. No development shall commence until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out for the potential for disposing of surface water by means of Sustainable Drainage Systems in accordance with the principles set out in the National Planning Policy Framework associated Planning Policy Guidance and the non-statutory Technical Standards for Sustainable Drainage Systems. The systems should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event plus 40% allowance for climate change. The submitted details shall;

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharge rate and volume from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and
- ii. provide a plan indicating flood exceedance routes, both on and off site in the event of a blockage or rainfall event that exceeds the design capacity of the system.
- iii. Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaken and any other arrangements to secure the operation of the scheme throughout its lifetime. This shall include details of land ownership, maintenance responsibilities, a description of the system, the identification of individual assets, services and access requirements and details of routine and periodic maintenance activities.

The surface water drainage scheme shall be managed and maintained thereafter in accordance with the agreed details.

(Reason – To ensure no adverse impacts to flood risk from surface waters either within the site or within the locality, noting the surrounding Flood Zones, in accordance with policies NE/9 and NE/11 of the adopted Local Development Framework 2007 and policies CC/8 and CC/9 of the Submission Local Plan 2014.)

18. No external lighting shall be installed unless the details have first been submitted to and approved in writing by the local planning authority. Lighting shall be installed in accordance with the approved scheme prior to occupation of any dwellings hereby approved and shall be retained thereafter in its approved form.

(Reason – To minimise impacts on the character and residential amenity of neighbouring properties in accordance with policies DP/2, DP/3 and NE/14 of the adopted Local Development Framework 2007 and policies HQ/1 and SC/10 of the Submission Local Plan 2014.)

19. No building hereby permitted shall be occupied until foul drainage works have been implemented in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.

(Reason – To ensure adequate foul drainage measures in accordance with policies NE/9 and NE/10 of the adopted Local Development Framework 2007 and CC/7 and CC/8 of the Submission Local Plan 2014.)

Informatives

1. The Highway Authority has confirmed that they will not be seeking to adopt any part of this development as it is shown within the indicative layout and the details approved in respect of the matter of access.
2. This permission does not constitute permission or a license to a developer to carry out works within, or disturbance of, or interference with, the Public Highway, and a separate permission must be sought from the Highway Authority in respect of those works.
3. Any oil storage tank should be sited on an impervious base and surrounded by oil tight bunded walls with a capacity of 110% of the storage tank, to enclose all filling, drawing and overflow pipes. The installation must comply with Control of Pollution Regulations 2001, and Control of Pollution (Oil Storage) Regulations 2001.
4. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
5. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring resident 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 noise 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.
6. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations must be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
7. A number of comments have been received identifying legal rights of access in to the site. This is a civil matter and the applicant should ensure that appropriate legal agreements are in place with regards to such rights.

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 DPD (adopted July 2007)

Planning File Ref: S/3787/17/FL

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