

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

11 July 2018

AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/1373/18/FL

Parish(es): Hinxton

Proposal: Single storey detached dwelling with basement, detached garage and parking

Site address: Land Adjacent to Pettetts Barn, High Street

Applicant(s): Mr and Mrs Fagg

Recommendation: Refusal

Key material considerations: Principle of Development
Character and Appearance of the Area
Heritage Assets
Important Countryside Frontage
Highway Safety
Neighbour Amenity
Biodiversity
Trees/ Landscaping

Committee Site Visit: Yes

Departure Application: Yes

Presenting Officer: Karen Pell-Coggins, Senior Planning Officer

Application brought to Committee because: Request from Local Member and Hinxton Parish Council

Date by which decision due: 13 July 2018 (Extension of Time agreed)

Planning History

1. S/0202/93/F - Change of Use from Agricultural to Garden/Paddock – Approved
Condition 1 removed permitted development rights for outbuildings, hard surfaces, walls, fences, gates and accesses in order to protect the open character of the area from inappropriate development.

Environmental Impact Assessment

2. The application does not fall under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and would not exceed the criteria in section 10b of Schedule 2 of the regulations. The application does not therefore require the submission of an Environmental Impact Assessment.

National Guidance

3. National Planning Policy Framework 2012
National Planning Practice Guidance

Development Plan Policies

4. **South Cambridgeshire Local Development Framework Core Strategy DPD 2007**
ST/2 Housing Provision
ST/7 Infill Villages
5. **South Cambridgeshire Local Development Framework 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/7 Development Frameworks
HG/1 Density
CH/4 Development within the Setting of a Listed Building
CH/5 Conservation Areas
CH/7 Important Countryside Frontages
NE/6 Biodiversity
NE/7 Sites of Biodiversity or Geological Importance
NE/11 Flood Risk
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
6. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
District Design Guide SPD - Adopted March 2010
Development Affecting Conservation Areas SPD - Adopted January 2009
Listed Buildings SPD - Adopted July 2009
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Biodiversity SPD - Adopted July 2009
Open Space in New Developments SPD - Adopted January 2009
7. **Submission Local Plan 2014**
S/3 Presumption in Favour of Sustainable Development
S/5 Provision of New Jobs and Homes
S/7 Development Frameworks
S/11 Infill Villages
HQ/1 Design Principles
H/7 Density
NH/4 Biodiversity
NH/5 Sites of Biodiversity or Geological Importance
NH/13 Important Countryside Frontage
NH/14 Heritage Assets
CC/9 Managing Flood Risk
SC/6 Indoor Community Facilities
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
TI/2 Planning for Sustainable Travel

TI/3 Parking Provision
TI/8 Infrastructure and New Developments

Consultation

8. **Hinxton Parish Council** – Has no recommendation but requests that the application is considered by the planning committee.
9. **Conservation Officer** – Comments that the proposed dwelling would encroach on and limit views out of the conservation area to the surrounding countryside on this corner site where the High Street and North end Road meet on a curve. There is some uncertainty over the extent to which these views would be limited, in particular it is not clear if, or to what extent, views would be retained through a corridor south of the building. The graphic representations do not show this view and the landscaping scheme shows a row of trees along the western boundary. It is not clear to the extent that the land would remain visually open.

The rural village character of Hinxton Conservation Area is strongly informed by the gentle curved High Street abutted by buildings (many of which are listed) with important gaps between buildings and open stretches of land which bring the countryside into the built environment of the village.

Due to the profile and positioning of the proposed dwelling, set well away from the High Street, it will not affect views south from any point on the High Street and will not become apparent when travelling north along the High Street until past No. 86 where views are less significant and primarily towards the 20th century buildings on North End Road.

The dwelling will have no or minimal impact when arriving in Hinxton both in views along North End Road and looking through gaps from North End Road towards the village. There will also be a minimal impact upon views from the east across the countryside towards the village.

The site does not encroach into agricultural land but is contained within fenced off land which has a more domestic character. Given the location and of the site and its character, views east over the site is considered to contribute less to the significance of the conservation area.

However, despite this lower level of contribution to the significance of the conservation area in terms of connecting the heart of the village to the countryside, the site's contribution is not neutral or negative and the loss of this open space will have an adverse effect on the character of the conservation area. The proposed dwelling and landscaping will encroach on views looking east across the corner site. It is considered that this will cause harm to the conservation area through encroachment on one of the open spaces which informs the special character of the conservation area. However, the harm overall is considered to be limited and localised and in terms of the NPPF, a low level of less than substantial harm.

Further comments that Pettetts Barn and Nos. 82-84 High Street are two listed buildings (grade II) and form part of a small cluster of buildings to the east side of the northern part of High Street. Their setting strongly contributes to their significance; this includes their position on a curve in the High Street, the open space to their north and south, and the immediate connection to the countryside to the east.

The dwelling would not affect key views north or south along the High Street towards

Nos. 82-84. Due to its low profile and positioning, it is unlikely to affect glimpsed views towards Hinxton and the listed buildings when travelling west along North End Road, and would have a minimal impact on views from the east across the countryside towards the listed buildings. Aside from the impact on views, the positioning of the dwelling (primarily right of a line extending from the rear building line of Pettetts Barn) retains the legibility of the listed buildings as a disconnected group on the High Street; further the proposed dwelling does not impede their direct connection to the countryside.

It is considered that the proposed dwelling preserves the significance of these listed buildings.

10. **Trees and Landscapes Officer** – Has no objections. Comments that a tree survey, arboricultural implications assessment, tree protection plan and arboricultural method statement has been submitted with the application that is sufficient. A number of trees have been identified for removal that is regrettable. Further planting has been identified. Requires a condition to submit a detailed landscape plan given that the planting is to mitigate the loss of the trees on site.
11. **Ecology Officer** – Has no objections. Comments that the development is unlikely to negatively affect the nearby River Cam County Wildlife Site. A preliminary ecological appraisal has been submitted with the application that has provided evidence that preventative mitigation will remove residual impacts to ecological receptors and no further surveys are required. Requires conditions to secure the mitigation scheme and features to enhance biodiversity.
12. **Drainage Officer** – Has no objections subject to conditions in relation to surface water and foul drainage.
13. **Environmental Health Officer** – Requests a condition in relation to hours of work and construction related deliveries and the burning of waste. Also suggests informatives with regards to disturbance to neighbours through noise and dust and pile driven foundations.
14. **Local Highways Authority** – Requires conditions in relation to pedestrian visibility splays, levels of the access to fall away from the public highway, construction of the driveway using bound material, sufficient space on site for parking and turning, the removal of permitted development rights for gates and the submission of a traffic management plan during works. Also requests an informative with regards to works to the public highway.
15. **Historic England** – Comments that the specialist advice of the Council's conservation team should be sought.

Representations

Local Member

16. Supports the application for the following reasons: -
 - i) The plan is for a single story building with some basement construction.
 - ii) Provided the screening is done properly with hedging and some trees there is adequate screening without being obtrusive to neighbours. This referred to by residents at No. 111 High Street.
 - iii) The village integrity can be maintained with such a lower impact development.
 - iv) The neighbours in North End Rd seem to be supportive.

Former Local Member

17. Comments that the proposal has been modified since the pre-application stage through the location of the footprint to the north east, a smaller ground floor footprint and a basement, a flat green roof and a monopitch timber barn on the boundary. The submitted photographs are significant when coming to a decision. The development would not be prominent when viewed from North End Road and the green roof would minimise the building's impact upon the surroundings. Long distance views to the east from the High Street are impacted by some extent by the flint wall on the western side of the site and the smaller footprint of the building would have less of an impact than the pre-application design. Supports the application with its innovative design and considers that the changes to the design since the pre-application advice result in a development that would not adversely affect the character and appearance of the area.

Letters

18. 3 letters of representation have been received that **object** to the application on the following grounds: -
- i) Tree line adjacent to the High Street would result in a loss of light to dwellings.
 - ii) Trees would be ineffective during winter time when not in leaf.
 - iii) Modern style of the house would not be in keeping with the predominantly traditional style of the village.
 - iv) Impact upon the character and appearance of the conservation area.
 - v) Precedent for ultra contemporary developments in the village.
 - vi) Overshadowing, overlooking and loss of privacy.
 - vii) Damage to fauna and established tree line would increase noise and disturbance as it currently provides a sound barrier from the A1301.
19. 11 letter of representation have been received that **support** the application for the following reasons:-
- i) Innovative, high quality and interesting development that will make sensitive use of this important corner site, add diversity and blend with the existing environment.
 - ii) Infill development to provide housing.
 - iii) Minimal and low key visual impact.
 - iv) Good plot sizes.
 - v) Materials should be in keeping with the local setting.
 - vi) Development would recognise the value of incremental change in a village context.
 - vii) Functional building that would not compete with older buildings.
 - viii) Driveway entrance would hopefully cause minimal disruption to houses opposite.
 - ix) Eco credentials.

Applicants Agent

20. The applicant's agent has raised the following points in support of the application: -
- i) The site is outside the development limits and technically in the countryside but the site cannot be said to be isolated in the meaning of paragraph 55 of the NPPF.
 - ii) The development is not speculative but downsizing to allow the applicants to remain in the village.
 - iii) The site is highly sustainable and well located with regard to village facilities.
 - iv) Considerable time and care has been taken to inform residents of the proposals.
 - v) The new dwellings will be subservient to existing buildings and not result in an overbearing impact. A section plan shows the relationship.
 - vi) The submitted images are accurate and give a true representation of the

development.

vii) There is only one instance where overshadowing would take place of houses in North End Road at 10am on 21 December. Shadow diagrams show this impact.

viii) The development has been designed to be inward looking and the nearest elevations would be 23 metres from houses in North End Road and 31 metres from houses in the High Street so would not result in overlooking.

ix) The trees along the western boundary would be small native trees to create privacy and prevent overlooking from the High Street. There is no right of view across the site.

x) Design is a subjective issue and many local residents support the proposal. It is considered in keeping with the area.

xi) Additional planting would be introduced to compensate for the trees lost and reduce noise from the main road.

xii) The area is considered to have changed significantly since the decision to change the use of the land and the area now has a residential character rather than a rural character.

Site and Surroundings

21. The site is located outside the Hinxton village framework and in the countryside. The northern and western boundaries form important countryside frontages. It is situated partly within the conservation area and adjacent to a number of listed building including the grade II* The Oak House, High Street. The site currently comprises garden/paddock land to Pettets Barn and a number of trees. A historic red brick herringbone pattern wall aligns the High Street boundary. A post and wire fence and trees align North End Road. A hedge aligns the eastern boundary. A 1.8 metre high fence forms the southern boundary. The site is elevated above road level. It lies within flood zone 1 (low risk).
22. A row of modern dwellings are situated to the north along North End Road. Open arable land lies to the east. Pettets Barn and a number of older residential properties are situated to the south and east.

Proposal

23. The proposal seeks planning permission for the erection of a dwelling and garage. The dwelling would be situated on the northern part of the site. It would be single storey in height with a basement below ground level. The building would have two sections that would consist of a timber clad element with a timber monopitch roof design and brick element with a flat green roof design. The garage would be situated on the eastern part of the site and have materials to match the dwelling. A new access would be created from North End Road. A small copse of trees would be removed.

Planning Assessment

24. The key issues to consider in the determination of this application are the principle of the development and the impacts of the development upon the character and appearance of the countryside, heritage assets, trees, neighbour amenity and highway safety.

Principle of Development

25. The site is located outside the Hinxton village framework and in the countryside where only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.

26. The erection of one dwelling is not supported in policy terms.
27. The proposal would therefore be contrary to Policy DP/7 of the LDF.
28. Hinxton is identified as an Infill Village where there are a low level services and facilities and residential developments with of up to two dwellings size are supported in policy terms in village frameworks that result in the subdivision of an existing residential curtilage.
29. Whilst the erection of one dwelling would accord with the scale allowed in such settlements, the location outside the village framework is not acceptable in principle.
30. The proposal is therefore contrary to Policy ST/7 of the LDF.
31. As of Monday 21 May 2018, South Cambridgeshire District Council considers that it can demonstrate a five-year housing land supply. This means the Council can demonstrate that there is enough land readily available to meet the number of homes that need to be built over that period.
32. The above policies are now considered to be up to date to which full weight can be attached as the Council now has a 5 year housing land supply.

Density

33. The site measures approximately 0.17 of a hectare in area. The erection of one dwelling would equate to a density of 6 dwellings per hectare. Whilst this would not meet the policy requirement of at least 30 dwellings per hectare for villages such as Hinxton, it is considered acceptable given the low density character and appearance of the area.
34. The proposal would therefore accord with Policy HG/1 of the LDF.

Character and Appearance of the Countryside

35. Whilst the boundaries of the site comprise features such as walls and landscaping, the majority of the site is open and undeveloped garden/ meadow land that has a rural character and appearance.
36. Planning policies states that developments should seek to preserve or enhance the character of the local area and not have an adverse impact upon village character, the countryside and landscape character.
37. The High Street in Hinxton comprises a linear pattern of development with a series of open spaces behind historic walls with open countryside beyond. This is considered a distinctive part of the character and appearance of the village.
38. Whilst the land is now garden/paddock, the open and rural character of the site was retained when planning permission was granted for change of use as permitted development rights were removed at that time for the erection of outbuildings. This was in order to protect the character and appearance of the countryside.
39. The development would lead to the loss of a copse of trees and garden/paddock land and the introduction of a dwelling that would have a considerable mass of built form that would extend across a large part of the site. Although it is noted that the building would be single storey in height from ground level, it would be clearly visible from

public views above the existing boundary wall that aligns the High Street.

40. This would substantially enclose the existing open gap between existing residential properties to the north and south and lead to a significant domestic use of the land that would result in a loss of openness and a visually intrusive development that would detract from the openness and rural character and appearance of the countryside.
41. Notwithstanding the above, the introduction of an access along the northern boundary of the site and garage would further domesticate the character of the site.
42. The applicant's agent has referenced an appeal decision for an infill development in the Green Belt. This site is not considered directly comparable to the appeal site as although it is a site in the countryside between existing development in the High Street and North End Road and would not accord with paragraph 55 in relation to isolated dwellings in the countryside, it is considered that the application site forms an important part of the character of the village which is a significant material consideration.
43. In any case, the appeal case would not set a precedent and each application should be determined upon its own merits.
44. The development is not considered to adversely affect the landscape character of the area given that the site is physically detached from the surrounding countryside through hedgerow along the eastern boundary.
45. The proposal is therefore contrary to Policy DP/3 of the LDF.

Important Countryside Frontages

46. The northern and western boundaries of the site are designated as important countryside frontages. These designations form an important part of the distinct village character of Hinxton as they provide important and undeveloped open spaces between groups of buildings that bring the countryside into the village.
47. Whilst it is acknowledged that the use of the land is garden/paddock, these designations were carried forward under the current LDF and remain in the emerging Local Plan. One representation has been received from the ex Local Member that supports the continuation of the designations in Hinxton. No objections have been received. Therefore, considerable weight can be attached to this policy.
48. The development is considered to conflict with the purposes of this designation as it compromises land that penetrates or sweeps into the built-up area providing a significant connection between the street scene and the surrounding rural area
49. Whilst the land is garden/paddock land and there is a hedge along the eastern boundary of the site adjacent to the surrounding arable land, the land is open and undeveloped and remains as countryside that is an important feature of the character of the village as discussed above.
50. The proposal is therefore contrary to Policy CH/7 of the LDF.

Heritage Assets

51. The site is located partly within the conservation area and within the setting of a number of listed buildings.

52. Planning policies state that development that affects heritage assets should be determined in accordance with national policy and legislative provisions.
53. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
54. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Conservation Area

55. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard shall be paid to desirability of preserving or enhancing the character or appearance of conservation areas.
56. The development would encroach on and limit views out of the conservation area to the surrounding countryside on this corner site.
57. The rural character of the Hinxton conservation area is strongly informed by the gently curved High Street abutted by buildings (many of which are listed) with important gaps between buildings and open stretches of land which bring the countryside into the built environment of the village.
58. The dwelling would not affect views south from any point on the High Street and will not become apparent when travelling north along the High Street until past No. 86 where views are less significant and towards the modern buildings on North End Road. The dwelling will have no or minimal impact when arriving in Hinxton along North End Road and across agricultural land from the east.
59. The site does not encroach into agricultural land but is garden land with a more domestic character. Given the location of the site and its character, views over the site are considered to contribute less to the significance of the conservation area than other areas of open land along the High Street.
60. However, despite this lower level of contribution, it is not negative or neutral and the loss of this space will still have an adverse effect on the character of the conservation area. The dwelling will encroach on views looking east across the corner site from the High Street. It is considered that this will cause harm to the conservation area through encroachment on to one of the open spaces that informs the special character of the conservation area. The harm is considered to be limited and localised and is therefore defined as a low level of less than substantial harm in NPPF terms.
61. The site is surrounded by traditional buildings to the south and east and modern buildings to the north.
62. Planning policies state that all new development must be of high quality design and be compatible with its location and appropriate in terms of scale, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area.

63. The siting of the dwelling a significant distance back from the High Street, single storey scale, simple form and contemporary design and materials would create variety and interest within the street scene that would reflect existing barn features of the village and introduce a style of development appropriate to its time.
64. The harm to the conservation area needs to be weighed against the public benefits of the proposal. In this case, the provision of one dwelling that would give a low level of contribution to local services and employment during construction is of limited public benefit and is not considered to outweigh the low level of less than substantial harm to the special character of the conservation area. The development is considered to neither preserve nor enhance the special character and appearance of the conservation area.
65. The proposal is therefore contrary to Policy CH/5 of the LDF.

Listed Buildings

66. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to preserving or enhancing the character or appearance of a Listed Building.
67. The Oak House is a grade II listed building that it located on the western side of the High Street opposite The Old Byre.
68. The dwelling would not affect key views of the building from the High Street or glimpsed views of the listed building when travelling along North End Road. It would have a minimal impact upon views from the east across countryside to the village. The position of the building would retain the legibility of the listed building.
69. Pettetts Barn and Nos. 82-84 High Street are two grade II listed buildings that form part of a small cluster of buildings to the east side of the northern part of the High Street. Their setting strongly contributes to their significance; this includes their position on a curve on the High Street, the open space to their north and south and their immediate connection to the countryside to the east.
70. The dwelling would not affect key views of the buildings from the High Street or glimpsed views of the listed buildings when travelling along North End Road. It would have a minimal impact upon views from the east across countryside to the village. The position of the building would retain the legibility of the listed buildings as a disconnected group on the High Street and would not impede their connection with the countryside.
71. The proposal would therefore accord with Policy CH/4 of the LDF.

Highway Safety

72. North End Road is a straight road with a speed limit of 30 miles per hour.
73. Planning policies state that all development proposals should provide appropriate access from the highway network that does not compromise safety.
74. The development would not result in a significant increase in traffic generation. The new access on to North End Road is acceptable as its width and visibility splays would accord with Local Highways Authority standards. The development would not be detrimental to highway safety subject to conditions in relation to pedestrian visibility

splays, levels of the access to fall away from the public highway, construction of the driveway using bound material, sufficient space on site for parking and turning, the removal of permitted development rights for gates and the submission of a traffic management plan during works.

75. The proposal would therefore comply with Policies TR/1 and DP/3 of the LDF.
76. Two parking spaces and a turning area would be provided on site to ensure that vehicles can enter and exit the site in forward gear and park clear of the public highway.
77. The proposal would therefore accord with Policy TR/2 of the LDF.

Neighbour Amenity

78. The nearest residential properties to the site are along the High Street to the south and west and along North End Road to the north.
79. Planning policies states that development should not adversely affect neighbour amenity.
80. The development is not considered to result in an unduly overbearing mass, significant loss of light, severe loss of privacy or an unacceptable level of noise and disturbance that would adversely affect neighbours given the siting of the dwelling at least 25 metres from the nearest property and low single storey scale.
81. A section drawing towards the properties and shadow diagrams have been submitted that show the height of the building in relation to existing properties and the impact of the development upon sunlight to demonstrate the relationship which is considered satisfactory.
82. The landscaping details that comprise a number of trees along the western boundary are not considered acceptable and would be reserved by condition.
83. Conditions would be attached to any consent in relation to the hours of use of site machinery and construction related deliveries to minimise the impact of noise and disturbance to nearby residents.
84. The proposal would therefore accord with Policy DP/3 of the LDF.

Trees/ Landscaping

85. The site consists of a number of trees and landscaping. Planning policies seek to ensure that development would be sensitive to local features of landscape Importance.
86. The proposal would result in the loss of a small copse of trees to the north east of the site and landscaping along the northern boundary of the site to accommodate the development.
87. Whilst the loss of the trees is regrettable, it is not considered to have a significant unacceptable impact upon the visual amenity of the area given the low quality and immaturity of the trees to be removed. The most important category A Ash tree on the southern boundary and category B Elm tree on the northern boundary would be retained and protected.

88. New tree planting would compensate for the trees lost. However, the precise landscaping details would be reserved by condition to ensure the character and appearance of the area is retained.
89. The proposal would therefore comply with Policy NE/6 of the LDF.

Biodiversity

90. The site comprises grassland, trees and hedges. A Preliminary Ecological Appraisal has been submitted with the application.
91. Planning policies require developments to maintain, enhance, restore or add to biodiversity.
92. The report concludes that the site was unsuitable for roosting bats with negligible opportunities for roosting and low in ecological value for a significant quantity of foraging bats. No signs or evidence of badgers, hedgehogs or other protected or UK priority mammals were not found on or adjacent to the site. The site and adjacent habitats were low in suitability and potential for reptiles and due to the small scale of the development, the risk of presence and potential for impact is very low. The site is low in ecological value or potential for amphibians and ponds were not identified within 500m of the site. The risk of presence or potential for impact to amphibians of any species is very low. It is possible that occasional protected or UK priority birds might visit the site. However significant use by foraging or nesting protected or UK priority birds was highly unlikely, though nesting by common and widespread garden birds is possible in trees and shrubs on the site. The site is low in ecological value for invertebrates of conservation concern.
93. Recommendations such as reduced external lighting, removal of vegetation outside the main bird breeding season, the covering of excavations overnight are suggested to mitigate the impact of the development upon protected species and this would be a condition of any consent.
94. The proposed development was highly unlikely to impact negatively on botanically important habitats. However, the site does support a small population of bee orchids of local botanical interest.
95. Recommendations are suggested to protect/conservate this species in the form of transplantation to another area of the garden.
96. The development would not therefore result in the loss of any protected species subject to a condition to be attached to any consent to secure the recommendation of the ecologist.
97. Ecological enhancement in the form of bird and bat boxes is suggested and this would need to be a condition of any consent in order to add to biodiversity.
98. The proposal would therefore comply with Policy NE/6 of the LDF.
99. The River Cam County Wildlife Site is located 500 metres from the site. It is designated for its relatively unmodified banks.
100. The development would not adversely affect the interest features of this important site of biodiversity interest.

101. The proposal would therefore comply with Policy NE/7 of the LDF.

Developer Contributions

102. Planning policies state that planning permission will only be granted for proposals that have made suitable arrangements towards the provision of infrastructure necessary to make the scheme acceptable in planning terms.

103. 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.

104. The need for contributions towards open space and community facilities is not considered necessary in this case to make the development acceptable in planning terms given its small scale.

105. The Written Ministerial Statement (WMS) dated 28 November 2014 states due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought is a material consideration in relation to this matter.

106. The development is for one dwelling that has a gross floor space that would not exceed 1000 square metres. This would fall under the thresholds set out above.

107. Whilst the proposal would not therefore accord with Policies DP/4, SF/10 and SF/11 of the LDF and Policies SC/6, SC/7, SC/8 and TI/8 of the emerging Local Plan, it would accord with the WMS. This material consideration should be given significant weight due to compliance with national policy.

Other Matters

108. Surface water drainage and foul drainage are covered under building regulations and it is not therefore considered necessary to attach conditions to any consent in relation to these matters.

Conclusion

109. The development would result in harm to the special character and appearance of the conservation area, conflict with the important countryside frontage designation and adversely affect the character and appearance of the countryside. Whilst the harm to the conservation area is a low level of less than substantial harm, there are limited public benefits in the form of the provision of one dwelling along with a small contribution to local services and some employment during construction that would outweigh this harm. In addition, there is significant harm through the conflict with important countryside frontage designation and the character and appearance of the countryside.

110. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should not be granted in this instance.

Recommendation

111. Refusal

Reasons

i) The site is located outside the Hinxton village framework and in the countryside. Residential developments are not considered acceptable as a matter of principle in such locations in order to protect the character and appearance of the countryside. The proposed development would result in the loss of an open and undeveloped site in the countryside, part of which is designated as an Important Countryside Frontage. The site is considered to form an essential part of the village character of Hinxton that comprises groups of buildings along the High Street separated by open spaces behind historic walls designated as important countryside frontages that bring the countryside into the village. Whilst the land is garden/paddock land, the development would encroach into this area and lead to a visually intrusive development when viewed from the High Street that would result in the loss of openness and rural character. The proposal is therefore contrary to Policies DP/3, DP/7 and CH/7 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on village character and the countryside.

iii) The proposed development would result in the loss of an open and undeveloped site in the countryside that makes a positive contribution to the character and appearance of the conservation area. Whilst the development would affect the less significant outer part of the conservation area away from the historic core of the village and lead to a low level of less than substantial harm to heritage assets, the limited public benefits of the proposal are not considered to outweigh this harm. The proposal is therefore contrary to Policy CH/5 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states development proposals in Conservation Areas will be determined in accordance with legislative provisions and national policy and guidance contained in specific Conservation Area Appraisals (where they exist) and the District Design Guide.

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 References S/1373/18/FL and S/0202/93/F

Report Author:

Karen Pell-Coggins
Telephone Number:

Senior Planning Officer
01954 713230