

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 13 March 2019
AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/2626/18/FL
Parish: Comberton
Proposal: Detached Dwelling
Site Address: 64 Barton Road, Comberton, CB23 7BP
Applicant: Mr & Mrs Arnold
Recommendation: Approval
Key Material Considerations: Principle of Development
Design, Impact on the character and appearance of the area, Conservation Area and Protected Village Amenity Area (PVAA)
Highway Matters
Trees
Residential Amenity
Ecology and Biodiversity
Committee Site Visit: 12 March 2019
Presenting Officer: Ishita Sheth, Senior Planning Officer
Application Brought to Committee Because: Objections have been received from the Parish Council.
Date by Which Decision Due: 18 September 2018 – Extension agreed to 4th October 2018

Executive Summary

1. This application proposes a single dwelling in the rear garden of No. 64 Barton Road. The site lies within a Conservation Area and partly within a Protected Village Amenity Area (PVAA).
2. Three previous applications for a dwelling in this location have been refused and all subsequently dismissed on appeal. Officers consider that the current proposal by virtue of its reduced scale and mass and barn style design would be in keeping with the semi-rural character of the area and results in an acceptable form of development. It is not considered that the proposed dwelling would be harmful to the character of the Conservation Area or so detrimental to the Protected Village Amenity Area (PVAA) that a refusal on this basis could be successfully sustained on appeal.

3. Officers note a number of local objections to the proposal, particularly in respect of ecology, impacts to protected trees, impact on the Conservation Area and the Protected Village Amenity Area (PVAA) and the Public Right of Way (PRoW). 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.

Relevant Planning History

4. PRE/0243/18 – Pre-application advice for erection of a dwelling and car port with ancillary access arrangements. Advice provided on 15th May 2018.
5. S/0564/15/FL – Erection of a dwelling and ancillary access arrangements – refused and dismissed at appeal (ref: APP/W0530/W/16/3149259) on 19 August 2016 due to the proposal adversely affecting the Conservation Area and Protected Village Amenity Area. The dwelling failed to preserve the character and appearance of the Conservation Area given the scale, mass and bulk as well as the garage with first floor accommodation which would be visible from the adjacent Public Right of Way. The proposal would significantly erode the open and undeveloped nature of the appeal site and the identified semi-rural quality. The PVAA confirmed the importance of the semi-rural character of the area. The hard surfaced areas for vehicle parking and garden areas would still be in the PVAA which would adversely affect the site's open and undeveloped quality, and semi-rural character. A copy of the appeal decision is provided as appendix 1 to this report.
6. S/1429/09/F – Erection of dwelling and detached dwelling and detached garage following demolition of house and garage – refused and dismissed at appeal.
7. S/2259/06/F – Extension to existing house, demolition of garage and erection of a new garage and erection of a new dwelling at the rear of the site – refused and dismissed at appeal.

Site Description

8. The site comprises the rear garden of 64 Barton Road and is located within the village framework and Conservation Area of Comberton. The southern part of the site is in the Protected Village Amenity Area which extends the full length of the western boundary of the plot at no. 64 and extends to the south of the enclosed garden area to the rear of the dwelling. The land adjacent to the south and west of the site is densely covered by established trees. A public right of way runs parallel with the eastern boundary of the site which is demarcated by close boarded fencing. The Oak trees on the southern boundary are protected by way of a Tree preservation Order.

Proposal

9. This application proposes the erection of a 4 bedroomed chalet dwelling with three pitched roofed dormers in the rear elevation to be finished externally in timber weatherboarding and natural slate for roofing. The design of the dwelling is a mix of traditional and modern with a ridge height of some 6.92m. Access to the dwelling is proposed via the existing Public Right of Way to the eastern side of the site. A carport is proposed to the rear of the existing

garage at the host dwelling. Two further car parking spaces are provided to the south of the car port.

Relevant Planning Policy

10. National Policy

National Planning Policy Framework 2019 (NPPF)
National Planning Practice Guidance (PPG)

11. Adopted Local Plan 2018

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
S/10 Group Villages
CC/3 Renewable and Low Carbon Energy Generation
CC/4 Water Efficiency
CC/6 Construction Methods
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk
HQ/1 Design Principles
NH/4 Biodiversity
NH/11 Protected Village Amenity Areas
NH/14 Heritage Assets
H/8 Housing Density
H/12 Residential Space Standards
H/16 Development of Residential Gardens
SC/7 Outdoor Play Space, Informal Open Space and new Developments
SC/9 Lighting Proposals
SC/10 Noise Pollution
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/10 Broadband

12. Supplementary Planning Documents (SPD)

Trees & Development Sites - adopted 15 January 2009
Biodiversity - adopted 2 July 2009
Listed Buildings - adopted 2 July 2009
District Design Guide - adopted 2 March 2010
Landscape in New Developments - adopted 2 March 2010

Consultations

13. **Parish Council** – Objection. Refused twice previously. Will not enhance or preserve the character. Same reasons as last application. Impact on the Conservation Area. Poor vehicle access, next to Protected Village Amenity Area (PVAA). Historic rural pathway would be altered dramatically. Solid fence was put up without planning permission – previous fence was post and rail type fencing. Possible two badger setts on western boundary

14. Landscape Officer – No objection subject to conditions:

- No gravel within 5m of the highway
- No parking on the Public Right of Way (public footpath)

15. Local Highway Authority – Confirms that Drawing number 693-15 Rev C is acceptable to the Local Highway Authority subject to the following conditions and informatives:

1. The proposed drive ways be constructed so that their falls and levels are such that no private water from the site drains across or onto the adopted public highway. Please note that the use of permeable paving does not give the Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

Reason: for the safe and effective operation of the highway

2. The proposed drive be constructed using a bound material to prevent debris spreading onto the adopted public highway.

Reason: in the interests of highway safety

3. 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.

Reason: in the interests of highway safety

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

16. Contaminated Land Officer – Makes the following comments:

The site appears to be relatively low risk in terms of contamination having only appeared to have comprised the garden of a residential property, but it is being developed into quite a sensitive end use and there does appear to have been an historic outbuilding on site which coincides with proposed garden areas. As such, it is recommended that a Phase I Desk Study be carried out to assess potential risks from contamination associated with the proposed redevelopment. It is also possible that some confirmatory shallow soil sampling may be required in order to confirm that the soils meet modern quality standards for domestic gardens.

If this information is not made available prior to determination of the planning application, please attach the following condition to the subsequent decision notice:

a) The application site has been subject to a detailed desk study and site walkover, to be submitted to and approved by the Local Planning Authority.
b) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.

c) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.

d) The works specified in the remediation method statement have been completed, and a Verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.

If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.

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.

17. **Tree Officer** - Has some arboricultural concerns with the proposal which relates to future residents of the dwelling and the oak trees to the south. These concerns are not strong enough to object outright.

There are trees on or adjacent to site with legal protection through TPO 0014 (2006) T1, T2 and T3 (all oak) and /the Conservation Area.

A Tree Survey and Arboricultural Implications Assessment (dated June 2018) has been submitted.

From aerial photographs it appears that some trees adjacent and due west of the proposed dwelling have been missed off the Tree Protection Plan. Perhaps this can be clarified?

There are three oak trees due south of the proposed dwelling. From plans it is estimated that these stand approximately 15 metres away and the tree survey suggests they are 15m tall with a crown spread of 10-13m. The height of these trees will therefore cast deep shade over part of the property (house and garden) from sunrise to mid evening in summer. The extent of the shading will cover a very extensive area for much of the day. No shade plan has been submitted with the application. This issue is discussed in the Arb Implications Assessment and it is noted that "the garden is large enough to provide areas that are unshaded". A garden may be big enough for some part of it to catch direct sun but people don't always fully consider where they locate static garden features such as patios, BBQs, vegetable gardens etc.

It is also noted that the oak crowns are very low to the ground and no pruning works have been identified to facilitate development. To be clear, these trees cannot be pruned without permission from the LPA.

Should this development be approved and built the LPA will not support any tree works applications for any style of crown reduction for reasons of dominance, proximity to dwelling, shading, dry ground, debris falling from the trees etc.

Before determining the application perhaps the applicant can clarify the tree situation to the west of the site? If there are no trees to the west and the application is approved, the tree documents can be approved and no further tree information is required. If there are trees to the west, these need to feature on the tree documents and once resubmitted I will have a further look at the application.

18. **Heritage Officer** - The property is located within the Comberton conservation area, in an area which maintains a semi-rural character due to its trees and hedgerows. Notably, the public right of way to the West of the site is present in historic maps. Despite this, it does not appear as though previous conservation officers have provided formal comments on the site (e.g. at the pre-application stage).

The siting and layout of the proposals are considered to result in some harm to this character due to the nature of backland development, which subdivides a historic plot of land. Although it is noted there are some existing infill developments behind frontage development in the conservation area (and that Woottens Close to located to the West of the site), these do not make a positive contribution to conservation area (or its setting) and therefore should not be replicated.

Furthermore, listed properties Brocks Close (LEN: 1331103), Dove Cottage (LEN: 1161500) Nos. 63 and 65 Swayne's Lane (LEN: 1331103) and Sunnyside (LEN: 1310078) are located to the south of the application site. The heritage statement has not assessed the impact on the setting of these heritage assets (therefore has not fulfilled paragraph 189 of the NPPF).

The development would neither preserve nor enhance the character and appearance of the conservation area and is therefore contrary to SCDC Local Plan Policy NH/14.

19. **Asset Information Definitive Map Officer** - Having reviewed the documents in further detail, is content that the proposals would not enclose the public footpath unnecessarily. The surface material is acceptable, as noted in Rob Kemp's letter from June 2015, subject to its ongoing maintenance remaining with the landowner. The applicant however will require the formal consent of Cambridgeshire County Council to change the surface of the Public Footpath and they are encouraged to contact Peter Gaskin nearer to the time of works.

Would ask that where the access corridor is wider than 4 metres from the eastern hedgerow (i.e. around the car ports) that brass studs are installed into the paving surface to delineate the 4 metre boundary of the public footpath.

20. **Ecology Officer** - Considers that the issue in respect of badgers can be controlled by the following condition:

Prior to the commencement of the development including all vegetation clearance and excavations, further badger surveys shall be carried out by a

suitably qualified ecologist. A report of the findings including a suitable mitigation strategy is required in addition to evidence of pre-engagement with Natural England, this shall be submitted to the local planning authority and approved in writing.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure compliance with the Protection of Badgers Act 1992 (as amended) as evidence of an active badger sett with entrances within 20 m of the building footprint has been submitted.

Representations

21. 25 no. objections have been received over three consultations incorporating the following summarised points:

- It appears to be nothing more than a superficial change to the Planning Application, and does not change the objections earlier submitted.
- The Proposed new building is still in the same general location. Have corresponded previously together with many residents of Woottens Close and we still object to the application.
- Still remembers the rural outlook of the area. The rural grassy track was gradually “upgraded” and now has a “practical” concrete surface.
- Three previous, very similar applications have been rejected by the Council and subsequently dismissed on appeal
- The existing house on site has already been doubled in size.
- This Application (S/2626/18/FL) appears to be Back Land development. It will not only occupy the immediate garden of no. 64, but will block the view to the south.
- The proposed dwelling will result in extra vehicles using the footpath which will make extra noise, disturbance and fumes for the gardens in Woottens Close backing on to the footpath.
- Proposal will harm character, amenity and setting by replacing an open rural area with a new domestic house
- There is no offsetting public benefit derived from the harm that would be done by the proposal.
- The proposal would endanger and probably kill at least two mature oak trees with TPO's on them
- The proposed dwelling would be in shade because of the trees with TPO's on them. There will be an increase pressure for the removal of these trees by any future residents.

- The scale, character and materials of the development are unsympathetic to and out of keeping with the rural nature of this publicly accessed conservation area and the nearby protected village amenity area (PVAA).
- Design of the dwelling which is a mix of styles and mix of modern and traditional is not appropriate for the area.
- Harm the amenity of the Public footpath by partially replacing it with a private house driveway and diminishing in width by a proposed garage.
- Setting a precedent for encroaching on the Conservation Area and imposing new development adjacent to the PVAA.
- Endangering wildlife which includes badgers.
- Cites various case laws in relation to harm to character and appearance of the Conservation Area.
- Requests to 'stamp' this unsuitable application firmly with a delegated refusal.
- Viewing the amended application still does not consider it as a viable option
- During construction it will cause disruption of the environment, the heritage site, wildlife and general disruption neighbours
- Cess pit for residential waste could cause flooding and potential health and safety hazard
- Additional dwelling would result in noise issues, loss of light to the neighbours
- Would lower the prices of other dwellings in the area
- Footpath should be retained as such for the use of general public
- Loss of various trees on the site land (owned by the applicants) and on the land adjoining the site land (not owned by the applicants) has contributed to *another* bit of loss to the countryside *feel* of this location.
- The severe fencing particularly on the east side of the garden has also contributed to the loss of the countryside feel.
- Fence was erected contrary to the recommendation of planners in the past
- Public footpath would also be impacted by parking arrangements for the proposed development – coming and going of occupants/vehicles
- Any new building/development (of any size) at this spot would be detrimental to the rural feel of the Conservation Area and to the very-close-at-hand/immediately adjacent Protected Village Amenity Area and to the still-rustic-feeling public footpath.

- The site is clearly seen from the footpath contrary to the suggestion in the application.
- Even if the site cannot be seen, under the PVAA policy it does not matter if the PVAA can be seen by members of public or not.
- Opening of the footpath will lead to further development beyond (to the south)
- Loss of light.
- Privacy and overlooking issues.
- Noise and pollution

Planning Assessment

22. The key considerations in this application are;

- Principle of Development
- Design, Impact on the character and appearance of the area, Conservation Area and Protected Village Amenity Area (PVAA)
- Highway Matters
- Trees
- Residential Amenity
- Ecology and Biodiversity
- Other Matters

Principle of Development

23. Comberton is a Minor Rural Centre as identified under policy S/9 of the Adopted Local Plan which allows for up to an indicative maximum scheme size of 30 dwellings within the development framework. Therefore the broad principle of one residential dwelling is considered acceptable, subject to all other material planning considerations assessed below.

Impact on the Character and appearance of the area, Conservation Area and Protected Village Amenity Area (PVAA):

24. Planning policies state that development that affects heritage assets should be determined in accordance with national policy and legislative provisions.
25. Paragraph 193 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.
26. Paragraph 196 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.

27. 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. Section 72 states that special regard shall be paid to desirability of preserving or enhancing the character or appearance of conservation areas.
28. The village conservation area contains a mix of traditional and newer housing, the latter of which lacks some of the attractiveness of the more historic village centre. Housing is generally set back from the road and set in spacious plots. Along with a number of fields and paddocks, the conservation area has an attractive semi-rural quality. The open and undeveloped nature of the appeal site adds to this character.
29. Planning application S/0564/15/FL – Erection of a dwelling and ancillary access arrangements was refused and dismissed at appeal APP/W0530/W/16/3149259. It was considered that the new dwelling was significant in scale, mass and bulk as well as the garage with first floor accommodation above which were visible from the Public Right of Way (PRoW). The dwelling was considered to significantly erode the open and undeveloped nature of the appeal site and the identified semi-rural quality which forms part of the character of the Conservation Area and Protected Village Amenity Area (PVAA). The PVAA confirmed the importance of the semi-rural character of the area. The hard surfaced area for vehicle parking and garden area was also in the PVAA which was visible due to the new access and was considered to adversely affect the site's open and undeveloped quality, and semi-rural character.
30. The proposal now seeks to provide a much smaller dwelling on site with a barn style design. Given the rural character of the site and the large two storey extension on the side of number 64 Barton Road, Comberton (host dwelling), it is not considered that an objection can be raised purely on the basis of the design and scale of the proposed dwelling. The height of the proposed dwelling will not be visible from Barton Road as the proposed roof height is lower by some 1.54m than the house at no. 64. Furthermore, the fall of the existing ground level has been used to lower the dwelling height.
31. The proposal now results in a much reduced scale of the dwelling which when viewed from the footpath gives an impression of a barn like structure with stained timber boarding which would not detract from the semi-rural character of the area. Furthermore, it should be noted that the height of the fence and its extent along the eastern boundary has changed the character by obscuring the ability to read fully the open space between the rear of 64 Barton Road and the wooded area further south. It should be also noted that the application site is read more in grouping with the Woottens Close development which is a much tighter form of development. As such it is not considered that the splitting of the site in the manner proposed would be so detrimental to the character of the area that a refusal on this basis could be successfully sustained on appeal.
32. Whilst the Heritage Officer comments are noted; taking into consideration the context of the development in the adjoining Wootten Close, the reduced scale of the dwelling, the barn like look (maintaining the semi-rural character) when viewed from the PRoW and the presence of the fence as discussed above, on balance it is considered that the proposed dwelling is not considered to have a detrimental impact on the Conservation Area. It would thus preserve the

semi-rural character of the Conservation Area in accordance with policies HQ/1 and NH/14 of the Council's adopted Local Plan 2018.

33. The comments in respect of the nearby listed properties are noted. However, it is not considered that these are close enough to the application site to have any detrimental impact on the setting of these listed properties. This was not an identified issue in the previous appeal.
34. Policy NH/11 of the Adopted Local Plan 2018 states that development will not be permitted within or adjacent to Protected Village Amenity Area (PVAA) if it would have an adverse impact on the character, amenity, tranquillity and function of the village. The car parking has now been moved to the rear of the garage building with space for visitors and a car port away from the PVAA. The car port is single storey in nature and consists of stained weatherboarding and zinc sheet roof. With regard to the garden area, given the retention of the close boarded fencing along the side boundary of the site and the revised parking arrangement this would retain the open views from the PRow and the open character of the site.
35. The proposal is therefore considered to be in accordance with policy NH/11. Landscape and boundary compliance conditions could be included on the decision notice to further ensure the development maintains and enhances the character and appearance of the surrounding area.

Highway Safety & Parking Provision

36. Subsequent to the objection on the original scheme from the Highways Authority, an amended scheme has been submitted which now demonstrates separate accesses for the host and the proposed dwelling. The Highway Authority has now removed its objection subject to conditions. On this basis, no concerns are raised in respect of Highway Safety.
37. The proposal seeks to provide two car parking spaces within the proposed car port and two additional visitor car parking spaces. This would comply with the requirements of Policy TI/3 of the Council's Adopted Local Plan.

Trees

38. In the dismissed appeal, APP/W0530/W/16/3149259 in connection with planning application S/0564/15/FL, the Inspector considered the tree survey, arboricultural impact assessment and associated drawings and considered that the extent of the works would not adversely affect the significance of the trees in the Conservation Area. The proposal does not seek to carry out any works to or removal of trees. The Tree Officer has commented that no details of trees to the west of the proposed dwelling have been provided. It was noted during site visit that no trees are located within the site along the western boundary. In this instance it is considered that the Submitted Tree Documents can be approved and no further tree information is required.
39. The Tree Officer also has concerns in respect of overshadowing to the proposed property from the TPO'd trees. However, it is considered that the main living areas at ground floor level have extensive glazing which would mitigate overshadowing issues to an extent and as such a refusal on this basis is not considered to be sustainable. It is also noted that the Tree Officer has not objected to the proposal but merely raised concerns.

40. No works to the TPO'd trees have been proposed. However, an informative can be added to any consent granted informing the applicant that works to trees will require consent.

Neighbour Amenity

41. The northern elevation of the proposed dwelling would be sited adjacent to the common boundary with 64 Barton Road, Comberton. At first floor level there would be a high level window serving a bathroom, staircase area and an en-suite which would mitigate any overlooking issues with the host dwelling. Given the degree of separation there is not considered to be an overbearing or overshadowing impact on the host dwelling in accordance with policy HQ/1 of the Council's Adopted Local Plan 2018.
42. The windows in the rear elevation at first floor level would not result in any privacy and overlooking issues for any other nearby dwellings..
43. It is noted that two first floor windows in the western elevation would overlook the neighbouring plot to the west. Whilst the application site should rely on its own boundaries to provide adequate isolation to the neighbouring boundaries to mitigate issues of privacy and overlooking, the plot to the west of the application site is unlikely to be developed by reason of its location within a Conservation Area and PVAA. On this basis the two proposed windows in the western elevation are considered to be acceptable.
44. A working hours condition in accordance with Policy SC/10 is reasonable given its proximity to neighbours. Noise and disturbance raised during the construction process can be dealt with by a traffic management plan.
45. The proposal is therefore considered to be in accordance with policy HQ/1

Ecology and Biodiversity

46. An ecology report was provided with the submission which indicated a badger sett on the land adjoining the application site is sufficient distance from the site. However, subsequent to neighbour concerns, additional information was requested. Subsequent to the Council's Ecological Officer's communication with the applicant's Ecologist, it is considered that further information is required prior to commencement of any works. The Ecological Officer has recommended a condition to this effect and such a condition can be imposed on any consent granted.
47. The proposal is therefore considered to be in accordance with policy NH/4.

Other matters

48. The lack of any identified harm to the local area means that the development of the existing residential garden would comply with policy HG/16.
49. PRoW – The Asset Information Definitive Map Officer is satisfied that the proposed development would not enclose the public footpath unnecessarily. The surface material is acceptable, but will require the formal consent of Cambridgeshire County Council to change the surface of the Public Footpath. He also considers that brass studs should be installed into the paving surface

to delineate the 4 metre boundary of the public footpath (near the car port area). An informative stating this could be attached to any consent granted.

50. Lighting – No lighting proposal has been submitted as a part of the application. However, any such provision of external lighting scheme could be conditioned in accordance with Policy SC/9 of the Council's Adopted Local Plan.
51. It is also considered imperative to impose a condition removing the permitted development rights to ensure the protection of residential amenity of the neighbours and the character of the conservation area and the impact on the PVAA.
52. Additional conditions are required in respect of contamination, renewable and low carbon energy in new developments, water quality and broadband provision to comply with policies CC/3, CC/4 and TI/10 of the adopted Local Plan.

Conclusion

53. In conclusion, officers consider that the proposal by virtue of its reduced scale and mass and barn style design which would be in keeping with the semi-rural character of the area results in an acceptable form of development. It is not considered that the proposed dwelling would be so detrimental to the character of the Conservation Area or the Protected Village Amenity Area (PVAA) that a refusal on this basis is justified.

Recommendation

- :
54. Approval subject to:

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

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
693-11 Revision F, 693-12 Revision F, 693-1, 693-2, 693-5 Revision B, 693-10 B and 693-4 Revision C.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990).
3. The development hereby permitted shall not be carried out other than in accordance with drawing TIP 18202 dated June 2018 and the associated Tree Survey

(Reason: To ensure that the tree works are carried out in accordance with the approved plans and details in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).

4. Prior to the commencement of the development including all vegetation clearance and excavations, further badger surveys shall be carried out by a suitably qualified ecologist. A report of the findings including a suitable mitigation strategy in addition to evidence of pre-engagement with Natural England, shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

(Reason: To ensure compliance with the Protection of Badgers Act 1992 (as amended) as evidence of an active badger sett with entrances within 20 m of the building footprint has been submitted).

5. The visibility splays specified on approved drawing no. 693-11 Revision F at the junction of the access road with the public highway shall be provided before the commencement of the development and shall be maintained free from any obstruction over a height of 600mm.

(Reason - In the interest of highway safety in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).

6. The proposed drive ways shall be constructed so that their falls and levels are such that no private water from the site drains across or onto the adopted public highway.

(Reason: For the safe and effective operation of the highway).

7. The proposed drive ways shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.

(Reason: In the interests of highway safety).

8. No 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.

(Reason: in the interests of highway safety)

9. 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 SC/10 of the South Cambridgeshire Local Plan 2018).

10. No development approved by this permission shall be commenced until:

- a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives

have been determined through risk assessment and agreed in writing by the Local Planning Authority.

- b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the Local Planning Authority.

(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 SC/11 of the South Cambridgeshire Local Plan 2018).

11. The dwelling hereby permitted shall not be occupied until the works specified in the Remediation Method Statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.

(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 SC/11 of the South Cambridgeshire Local Plan 2018).

12. If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.

(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 SC/11 of the South Cambridgeshire Local Plan 2018).

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

(Reason - To minimise the effects of light pollution on the surrounding area in accordance with Policy SC/9 of the South Cambridgeshire Local Plan 2018).

14. The existing hedges on the eastern boundary and front boundary of the site shall be retained except at the point of access; and any trees or shrubs within it which, within a period of five years from the completion of the development or the occupation of the buildings, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

(Reason - To protect the hedge which is of sufficient quality to warrant its retention and to safeguard biodiversity interests and the character of the area in accordance with Policies S/3 and NH/4 of the South Cambridgeshire Local Plan 2018).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within

Classes A to E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason - In the interests of protection of residential amenity and the character of the Conservation Area and the adjoin Protected Village Amenity Area (PVAA) in accordance with Policies HQ/1, NH/11 and NH/14 of the South Cambridgeshire Local Plan 2018).

16. The carport, hereby permitted, shall not be used for any other purpose than for parking ancillary to the residential dwelling hereby approved.
(Reason - To ensure the continued provision of off-street parking space in the interests of highway safety and to safeguard the amenities of adjoining occupiers in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).
17. No development above slab level shall take place until a scheme has been submitted that demonstrates a minimum of 10% of carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The scheme shall be implemented and maintained in accordance with the approved details prior to the occupation of the dwelling.
(Reason – In accordance with policy CC/3 of the South Cambridgeshire Local Plan 2018 and paragraphs 148, 151 and 153 of the National Planning Policy Framework 2018 that seek to improve the sustainability of the development, support the transition to a low carbon future and promote a decentralised, renewable form of energy generation.)
18. The dwelling hereby approved shall not be occupied until the minimum water efficiency consumption of 110 litres use per person per day, in accordance with Part G of the Building Regulations 2010 (as amended 2016) has been complied with.
(Reason - To improve the sustainability of the dwelling and reduce the usage of a finite and reducing key resource, in accordance with policy CC/4 of the south Cambridgeshire Local Plan 2018.)
19. The dwelling hereby approved shall not be occupied until the dwelling has been made capable of accommodating Wi-Fi and suitable ducting (in accordance with the Data Ducting Infrastructure for New Homes Guidance Note) has been provided to the public highway that can accommodate fibre optic cabling or other emerging technology, unless otherwise agreed in writing with the Local Planning Authority.
(Reason – To ensure sufficient infrastructure is provided that would be able to accommodate a range of persons within the property and improve opportunities for home working and access to services, in accordance with policy TI/10 of the South Cambridgeshire Local Plan 2018.)

Informatives

1. 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.
2. 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.

3. Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
4. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly 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.
5. 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.
6. 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.
7. The surface material for the PRoW is acceptable, but will require the formal consent of Cambridgeshire County Council to change the surface of the Public Footpath. Brass studs should be installed into the paving surface to delineate the 4 metre boundary of the public footpath (near the car port area).
8. The Public Right of Way (PRoW) should be retained free of any obstruction for perpetuity inclusive of any parking of vehicles.
(Reason: To ensure the continued provision of the Public Right of Way (PRoW) in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).

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 Plan 2018
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- Planning File References: S/2626/18/FL

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