

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

14th January 2009

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1835/08/F– FULBOURN

Removal of Condition 2 Of Planning Permission (Reference S/2164/06/F) to Enable Unrestricted Occupation of 5 Houses and 4 Flats and Amendments to the Approved Layout (Means of Access, Car Parking, Cycle Parking And Collection Point For Refuse) at Hall Farm, School Lane for Mr Ian Saunders

Recommendation: Delegated subject to the completion of a Section 106 Agreement.

Date for Determination: 23rd December 2008

Notes:

This Application has been reported to the Planning Committee for determination because the recommendation is contrary to comments of the Parish Council.

Conservation Area

Site and Proposal

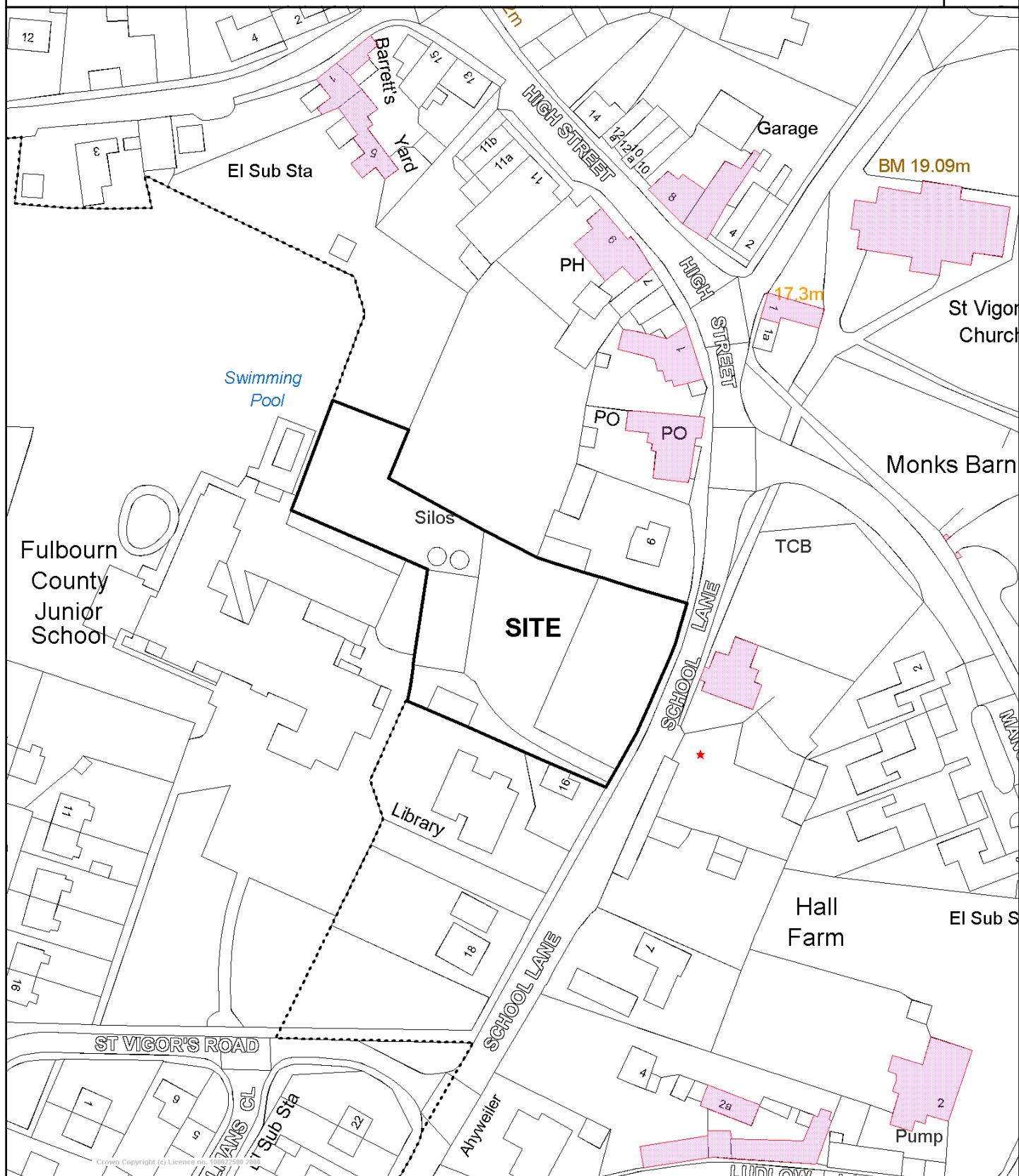
1. The site is located within the centre of the village adjacent to the primary school and the library. The site was previously used as a farmyard.
2. Planning consent was granted in May 2007 (reference S/2164/06/F) for the erection of five houses and four flats, garages and refuse store for people of retirement age. Whilst the development was under construction the developers went into administration and a new developer purchased the site. The new developer has applied by application received 28th October 2008, to remove condition no.2 of planning consent (reference S2164/06/F) that restricted the occupation of the dwellings to at least one person of retirement age and/or is registered as disabled under the Chronically Sick and Disabled Persons Act 1970 as they consider the approved scheme is unviable in the current market.

Planning History

3. **S/2093/04/O** - Erection of nine houses and garages (Approved - see para 2 above).
4. **S/2164/06/F** – Erection of five houses and four flats, garages and refuse store for people of retirement age (Approved)

Planning Policy

5. **Policy ST/4 – Rural Centres** of the South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007.



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Scale 1/1250 Date 16/12/2008

Centre = 551971 E 256146 N

January Planning Committee

6. **Policies DP/1 Sustainable Development, DP/2 Design of New Development, DP/3 Development Criteria, DP/7 Development Frameworks, HG/2 Housing Mix, HG/3 Affordable Housing, 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** of the South Cambridgeshire Local Development Framework (LDF) Development Control Policies DPD, adopted July 2007 are relevant.

Consultation

7. **Fulbourn Parish Council** – Refuse. Parish Council requests the conditions granted are not changed. It is an ideal location for elderly residents in the Conservation Area and would generate more traffic movements if the condition was removed.
8. **Landscape Design Officer** – No objection.
9. **Conservation Officer** - The age restricted status of the approved scheme allows some relaxation of requirements for residential schemes, however it would be possible to accommodate the increased refuse and turning without significant changes affecting the Conservation Area. Therefore there are no objections to the removal of condition 2 in principle, subject to the approval of any physical changes.
10. **Local Highway Authority** – The removal of this condition will have only a limited effect on the operation of the highway network. No significant adverse effect upon the public highway should result from this proposal, should it gain benefit of planning permission.
11. **Waste and Recycling Officer** – Confirmed that a 5m road width is acceptable and that the position of the hard standing drop off and collection point for plot 9 is satisfactory.
12. **Ecology Officer** – No comments to make on this application.
13. **Housing Officer** – Notes that the applicant to wants remove the condition for retirement housing only on this site. Therefore Policy HG/3 of the LDF applies, which requires the applicants to provide 40% or more on site affordable housing of a mix and tenure split acceptable to the District Council.
14. **County Education Officer** – confirmed that there is insufficient pre-school and secondary school capacity in the area and therefore an education contribution of £3,340 per unit is required.

Representations

15. Three letters have been received: one from an occupier of 6 School Lane, one from the owner of Hall Farm and one from the Headteacher of Fulbourn Primary School. Main concerns relate to the increase in traffic that a change in the nature of the development would have. However, the Head teacher has expressed concerns that one of the houses overlooks the school swimming pool and therefore questions whether this makes the house suitable for unrestricted occupation.

Planning Comments – Key Issues

16. The key issues in determining this application are the provision of adequate car and cycle parking, the ability of refuse vehicles to access and collect waste from the site,

and the acceptability of the site for market housing. These issues will be addressed in turn.

17. The relevant planning condition was attached to the planning consent as it was considered that the site layout is not suitable for other forms of residential accommodation in terms of the car parking and provision for refuse storage and collection. In seeking to remove this condition the applicant needs to address whether these reasons can be overcome.
18. Following the submission of this application a meeting was held with the applicant to explain what the key issues would be in removing this condition and how they might be addressed. The applicant has now submitted an amended site layout plan different to that, which was approved, indicating how the existing scheme could be amended to overcome the reasons why the scheme is not suitable for other forms of residential accommodation. The changes to the approved site layout plan involve the permanent closure of the historic access point, change of use of a garage next to plots 4-7 for cycle storage, removal of a strip of landscaping to the rear of plots 1-3 and the laying of hard standing adjacent to the row of garages to provide a waste collection point for the recycling bins for plot 9. The plan also shows the width of the access road as 5m that was required by condition 15 of planning consent S/2164/06/F

Access and Parking

19. The suggested change to the layout of the scheme to accommodate additional parking is acceptable and would not harm the setting and appearance of the Conservation Area. Likewise the proposal to change the use of the garage to a cycle store for plots 1-7 is also acceptable and would help to meet the Council Policy DP/1b to reduce car dependency and TR/2 to ensure adequate secure parking. The Highway Authority has confirmed that the change of use of the dwellings would not have an adverse affect on the Public Highway and has no objection to permanent closure of the historic access point into the site.

Waste

20. In terms of the collection of waste from the site, the suggested changes again would not harm the setting and appearance of the Conservation Area and would only involve a small loss of incidental landscaping. The Waste and Recycling Officer has confirmed that the road width and the collection point are acceptable.

Open Space

21. Policy SF/10 requires all new residential developments to contribute towards outdoor playing space, including children's play space and formal outdoor sports facilities and informal open space to meet the additional need generated by the development, South Cambridgeshire's village audit (2005) identified that Fulbourn has a deficiency of play space when compared to the standard. A contribution of £23,911 is sought to meet the need generated by the development.

Principle of market housing

22. In terms of the overall acceptability of this site for market housing, Fulbourn is identified as a Rural Centre within Core Strategy Policy ST/4, which has no limit on the number of dwellings that would be permitted within the village framework. The site provides an appropriate mix of two, three and four bedroom dwellings (six two-bed,

one 3-bed and two 4-bed), which broadly accords with Policy HG/2 of the Development Control Policies DPD.

23. Whilst the loss of specific retirement accommodation within the village is disappointing, this in itself is not a reason for refusal. The use of the site for housing is clearly acceptable and there are no material planning reasons why this condition should continue to be imposed.
24. The issue of potential overlooking from Plot 9 to the school swimming pool was considered when the application was first approved for retirement housing and was not found to be a significant issue. The potential change to market housing is not significantly different and is likely to have even less of an impact as owners/occupiers of market housing are likely to be at work during school hours.
25. The requirement for 40% affordable housing to be provided on site is the subject of further discussions and negotiations with the applicant. The applicant has indicated informally that there are financial viability reasons why they are unable to provide affordable housing on this site. However no evidence has been submitted to date to demonstrate this despite a request to do so.
26. In conclusion, whilst the amended site layout plan adequately overcomes the reasons for the imposition of the condition without causing any harm to the Conservation Area or having an adverse impact on the local highway; failure to provide affordable housing on-site is not acceptable.

Recommendation

27. Subject to the signing of a S.106 agreement securing a financial contribution towards the provision of education of £3,340 per unit, an open space contribution of £23,911 and securing affordable housing on-site with the mix and tenure to be agreed Delegated approval, subject to the following conditions.

Conditions

1. The hard and soft landscape plans (Drg No ECD351/Drg03 Rev C, ECD351/Drg05 Rev A and ECD351/Drg 06 and Soft Landscape Specification) Approved 16th April 2008 under planning consent reference S2164/08/F shall be implemented in accordance with condition 5 of that consent unless otherwise agreed in writing by the Local Planning Authority. (Reason - To ensure the development is satisfactorily assimilated into the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
2. Prior to the occupation of the first dwelling a hard and soft landscaping plan for the land previously used as the access road which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development and specification of all proposed trees, hedges and shrub planting which shall include details of species, density and size of stock shall be submitted to and approved in writing by the Local Planning Authority. (Reason - To ensure the development is satisfactorily assimilated into the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
4. Prior to the completion of the last dwelling, details of the cycle stands within the cycle store shall be submitted to and approved in writing by the Local Planning Authority. The approved stands shall be installed and available for use prior to the occupation of plots 1-7 and thereafter maintained. (Reason - To enhance the visual quality of the development and in accordance with Policy DP/1b of the adopted Local Development Framework 2007.)
5. Prior to the occupation of the first dwelling, a sample panel of the bricks and mortar to be used to construct the wall that fronts onto the public highway shall be submitted to and approved in writing by the Local Planning Authority. The approved bricks and mortar that form the wall shall be constructed prior to the occupation of the last dwelling. (Reason - To protect the visual quality of the development and in accordance with Policy DP/2a and DP/2f of the adopted Local Development Framework 2007.)
6. Treatment of all site boundaries as approved on 16th April 2008 under planning consent reference S/2164/08/F within Plans (Drg No ECD351/Drg03 Rev C, ECD351/Drg05 Rev A and ECD351/Drg 06) with the exception of the site boundary referred to in condition 5 shall be implemented in accordance with condition 7 of that consent. (Reason - To protect the visual quality of the development and in accordance with Policy DP/2a and DP/2f of the adopted Local Development Framework 2007.)
7. Prior to the occupation of the first dwelling, the post excavation final report as required in the written scheme of investigation in condition 9 of planning consent reference S/2164/08/F shall be submitted to and approved in writing by the Local Planning Authority. (Reason – To secure the provision of recording of the remains and in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)
8. Prior to occupation of the first dwelling:
 - a) The application site shall be subject to a scheme for the investigation and recording of contamination as 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) shall be submitted to and approved in writing by the Local Planning Authority.
 - c) The works specified in the remediation method statement shall be completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.

- d) 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 prevent the increased risk of pollution to the water environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)
9. The materials to be used for hard surfaced areas as approved on 15th December 2008 shall be implemented in accordance with condition 11c under planning consent reference S/2164/08/F. (Reason - In order to protect and enhance the character and appearance of the conservation area and in accordance with Policy CH/5 of the adopted Local Development Framework 2007.)
10. The materials to be used for the external walls and roofs, as approved on 22nd October 2007 under planning consent reference S/2164/08/F shall be implemented in accordance with condition 11a of that consent. (Reason – In order to protect and enhance the character and appearance of the conservation area and in accordance with Policy CH/5 of the adopted Local Development Framework 2007.)
11. All the windows and doors shall be made of timber and have a painted finish that shall be agreed in writing by the Local Planning Authority and maintained as such unless the prior written agreement of the Local Planning Authority has been given. (Reason – In order to protect and enhance the character and appearance of the conservation area and in accordance with Policy CH/5 of the adopted Local Development Framework 2007.)
12. Prior to the occupation of the first dwelling a scheme of habitat enhancement and the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme and the provision of bat and bird boxes shall be implemented prior to the occupation of the last dwelling and thereafter maintained. (Reason – To comply with Policy NE/6 of the adopted Local Development Framework 2007.)
13. Facing brickwork shall be in Flemish bond (using snapped headers as necessary). (Reason – In order to protect and enhance the character and appearance of the conservation area and in accordance with Policy CH/5 of the adopted Local Development Framework 2007.)
14. The access road shall be of a minimum width of 5m for a distance of 15m from the edge of the existing carriageway. (Reason In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
15. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600m within an area of 2m x 2m measured from and along respectively the back of the footway. (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
16. Visibility splays shall be provided on either side of the junction of the proposed access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line

of the proposed access road from its junction with the channel line of the public highway, and 35m measured along the channel line of the public highway from the centre line of the proposed access road. (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

17. No external lighting shall be provided within the site other than in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. (Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
18. No removal of vegetation (dead or alive) or development shall be carried out on site between 15th February and 31st August inclusive in any year, unless a mitigation scheme for protection of bird-nesting habitat has been agreed in writing by the Local Planning Authority. (Reason – To avoid causing harm to nesting birds that will be using the site and its vegetation for nesting. All nesting birds receive protection under the Wildlife and Countryside Act 1981).

Informatives

See S/2164/06/F

1. The decision notice is accompanied by a list of approved drawings.
2. Save with the written consent of the Local Planning Authority, all pipes, meter boxes, fibres, wires and cables required by statutory undertakers and other appropriate bodies including cable TV operators shall be placed underground or in suitably concealed locations, provided this would not damage areas of ecological or archaeological importance.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007) and Development Control Policies adopted July 2007.
- Planning File Ref: S/1835/08/F, S/2164/06/F and S/2093/04/O

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