

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee  
**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and New Communities)

12<sup>th</sup> May 2010

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**S/0196/10/O - LINTON**  
**Dwelling and Garage at Land to the North-East of 26 Back Road**  
**for Mr & Mrs Williams**

**Recommendation: Delegated Approval**

**Date for Determination: 3<sup>rd</sup> June 2010**

**Notes:**

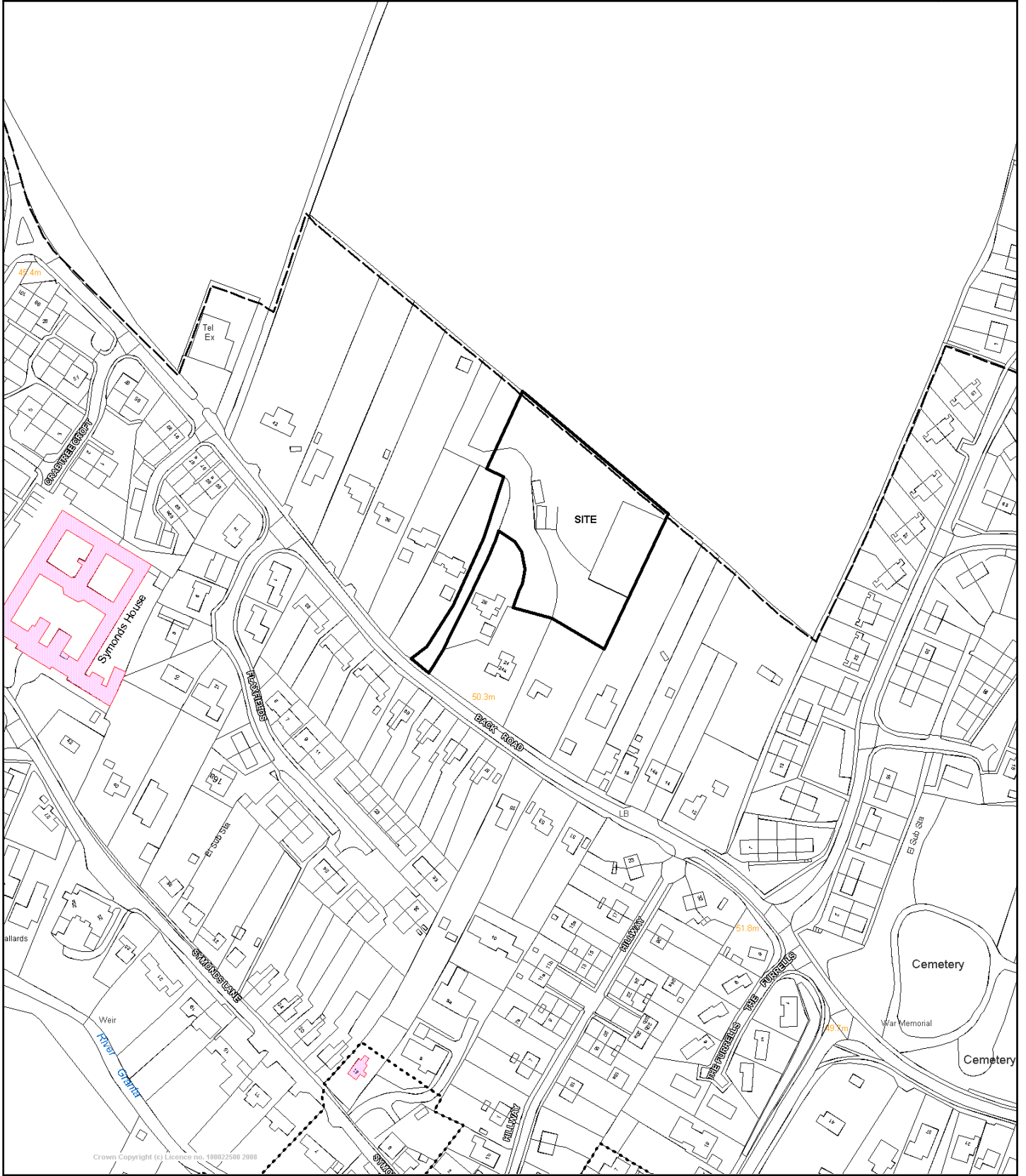
**This application has been reported to the Planning Committee for determination as the Officer recommendation is contrary to the response from the Parish Council.**

**Site and Proposal**

1. The application site is a 0.49 hectare area of land located to the rear/north-east of Nos. 22-28 Back Road. It is presently used for grazing horses and comprises stables towards the southern edge of the site and a ménage area adjacent to the south-eastern side boundary. The site is situated above a former quarry and slopes significantly upwards from north-west to south-east and also rises from the south-west to north-east boundary. There is a mature hedgerow along the north-eastern boundary, beyond which is open countryside that continues to rise steeply upwards towards Rivey Hill. Beyond the south-eastern boundary, which is defined by a hedgerow, planning permission has been granted for the erection of bungalows to the rear of Nos. 12-20 Back Road, whilst, further to the north-west, there is an extant planning permission for the erection of two dwellings to the rear of No.42 Back Road. The site is raised significantly above the level of the properties fronting Back Road to the south-west, with the rear boundaries of Nos. 24 and 26 comprising the bank of the former quarry. Access to the site is via a track sited between Nos. 26 and 28 Back Road, which presently serves 3 properties (Nos. 24, 24a and 26 Back Road).
2. This outline application, registered on 19<sup>th</sup> February 2010, and amended on 12<sup>th</sup> and 14<sup>th</sup> April 2010, proposes to erect a dwelling and garage on the site. Consent is sought for the means of access and scale, with details of the appearance, layout and landscaping reserved for further consideration. The indicative layout plan shows an approximately 35 metre wide dwelling facing north-westwards and a detached garage building sited at the end of the access track. A cross section indicates that the dwelling would be cut slightly into the ground level. Access to the site would be via the existing track, and the amended design and access statement states that the dwelling would have a maximum height of 5.2 metres. The density of the development equates to 2 dwellings per hectare.

**Planning History**

3. **S/1539/09/O** – Application for dwelling and garage on land to the north-east of 26 Back Road, Linton was withdrawn.



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4. **S/1956/87/F** – An application for two bungalows and garages on backland at 22-36 Back Road was refused for the following reasons:

- (a) The development would detract from the open and rural character of area;
- (b) The required visibility splays would necessitate the loss of a hedge and be detrimental to the character of the area;
- (c) Movements along the driveway would detract from the amenities enjoyed by future occupiers of adjacent houses;
- (d) It would create a precedent for similar development.

The application was then dismissed at appeal. The site formed part of a larger area of land for which the erection of 4 houses along the frontage part was allowed at appeal. The Inspector stated that “on walking through the gap between the houses under construction and up the slope to the present appeal site, I was conscious of leaving the village and the built development and moving into open landscape at a higher level, and quite separate from the existing and new houses below it.” The appeal site was regarded as part of the Area of Best Landscape. The proposed two bungalows were considered to be an intrusion upon this area and unrelated to the form of the village at this point, amounting to a sporadic, visually isolated and incongruous form of housing development. The Inspector commented that a long service road would have to be constructed between houses and private gardens, where disturbance from vehicles ascending the curving and rising gradient would exceed the normal levels of disturbance. Concern was also expressed regarding the impact on Nos. 20 and 22 Back Road.

5. **S/1379/90/F** – An application for a bungalow and garage on this backland site was refused for the following reasons:

- (a) Backland development would detract from the open and rural character of the area;
- (b) The erection of a dwelling would involve the use of a long and inconvenient access passing alongside and rising to the rear of Nos. 26 and 28 Back Road, the traffic movements along which would cause a serious loss of amenity to the residents of those properties by reason of loss of privacy, noise and general disturbance;
- (c) It would create a precedent for similar development of open land to the rear of other properties in Back Road and cause further harm to the open and rural character of the area;
- (d) No improvements to the existing access were incorporated in the proposal.

The application was dismissed at appeal. Since the previous appeal, the site had been included in the village framework in the then draft Local Plan. The proposal sought to erect a bungalow to the far right of the site at an excavated lower level and substantially screened from view by extensive proposed landscaping, and resulted in the dwelling being projected beyond the existing line of development fronting Back Road. The Inspector considered the previous appeal Inspector’s decision to be apt. He stated that the tall hedge and escarpment on the south-eastern boundary of the site divorced it from the village and married it to the open landscape sweeping down from Rivey Hill. The development was considered to result in an unacceptable intrusion into the landscape and to make it more difficult to resist the principle of development in other locations on the periphery of the village. In addition, the use of the driveway was considered to result in unacceptable noise and disturbance to occupiers of neighbouring dwellings accentuated by the difference in levels. The distance of the site from Back Road means that it would also be likely to be

used by visitors and service vehicles. No highway safety concerns were raised regarding the use of the access by a single dwelling.

6. **S/0296/92/F** – Permission granted for 2 loose boxes, tack room and hay store/garage.
7. **S/0483/94/F** – Consent for horse riding arena.

### **Planning Policy**

8. East of England Plan 2008:  
**SS1** - Achieving Sustainable Development  
**ENV7** - Quality in the Built Environment
9. South Cambridgeshire Local Development Framework Core Strategy Development Plan Document, adopted January 2007:  
**ST/5** – Minor Rural Centres
10. South Cambridgeshire Local Development Framework Development Control Policies DPD, adopted July 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** - Housing Density  
**NE/6** – Biodiversity  
**NE/15** – Noise Pollution  
**SF/10** - Outdoor Playspace, Informal Open Space and New Developments  
**SF/11** – Open Space Standards
11. Supplementary Planning Documents, adopted 2009:  
  
Open Space in New Developments SPD - Adopted January 2009  
Biodiversity SPD – Adopted July 2010  
District Design Guide SPD – Adopted March 2010
12. **Circular 11/95 (The Use of Conditions in Planning Permissions)** - Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
13. **Circular 05/2005 (Planning Obligations)** - Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

### **Consultations**

14. **Linton Parish Council** recommends refusal, stating:
  - (a) “Council objects to this application.
  - (b) Council concurs with Highways over concerns regarding access for emergency vehicles etc.

- (c) The application states that the site cannot be seen from a bridleway when in fact it is clearly visible from all sections of BW21. Council requests that planning officers walk the bridleway.
  - (d) If granted it should be conditioned that the dwelling be single storey.”
15. **The Ecology Officer** stated, in connection with the previous application, that, as the area is reported to be a former quarry, in accordance with the Biodiversity SPD, any application should be accompanied by appropriate biodiversity information, particularly on bats, breeding birds, reptiles and BAP species. A holding objection is placed until the site has been the subject of a walkover biodiversity assessment.
16. **The Environmental Health Officer** raises no objections to the implications of the proposal in terms of noise and environmental pollution.
17. **The Environmental Health Officer (Contaminated Land)** states that the site is directly over a former quarry, which may be filled with unknown material. Any planning permission should therefore be subject to a condition requiring contamination investigation before the commencement of any development.
18. **The Environment Operations Manager** has not commented to date. Members will be updated on any comments received prior to the Committee meeting.
19. **The Local Highways Authority** states that the present access is used to service a number of large dwellings. The present use of the land for paddocks and ménage is likely to generate a low level of traffic movements, comparable to those generated by a single family home. As such, no objections are raised. There should be no more than one dwelling on this site and an informative should be added to any permission advising that the Highways Authority would object to any further development using the access as it stands at present.
20. **The Cambridgeshire Fire and Rescue Service** has not commented to date. Members will be updated on any comments received prior to the Committee meeting.

### **Representations**

21. Objections have been received from the occupiers of Nos. 20, 22, 26, 28, 30 and 38 Back Road. The key points raised are:
- (a) What would be the overall scale of the proposed buildings?
  - (b) The dwelling should be a bungalow in order to avoid dominating the view from Rivey Hill.
  - (c) The proposed footprint is unusually large compared to that of surrounding houses and the approved bungalows at the rear of 12-20 Back Road.
  - (d) Would there be any plans to subdivide the property into apartments? This would cause overloading of the access road and potential disruption to nearby residents.
  - (e) With regards to the original plan, occupiers of Nos. 20 and 22 commented that its siting was preferable to that proposed within the previous application, whilst the occupier of No.28 expressed concerns regarding overlooking of his garden area.
  - (f) The occupier of No.38 Back Road raises no in-principle concerns to a single storey dwelling although considers that the development could better utilise the topography of the site.
  - (g) The originally proposed site area included land owned by No.26 Back Road.

- (h) There is an established game trail on the steeply sloping bank in the garden of No.26 Back Road, which is used regularly by muntjac deer, whilst the bank is a haven for other wildlife. If the development takes place, this trail will disappear.
- (i) The garage is unusually large, implying a large number of cars and resulting in highway safety concerns.
- (j) Would there be a requirement for any planting to help screen the development and protect the privacies of adjoining residents?
- (k) Would the details not covered by this application (eg – design, siting, levels) be subject to a further application and residents given a further opportunity to comment?

## **Planning Comments – Key Issues**

### ***Density***

- 22. The density of the development equates to 2 dwellings per hectare, a figure much lower than the minimum 30-40 dwellings per hectare density required by Policy HG/1. As stated within the supporting text to this policy, a departure from these standards should only be accepted if there are exceptional local circumstances justifying such an approach.
- 23. The applicants agent had pre-application discussions with the Local Highways Authority prior to the submission of the previously withdrawn application. During these discussions, the LHA advised that the required visibility splays of 2.4 metres x 70 metres could not be achieved from the existing access without crossing third party land, and that the splays achievable from the existing access are just 19.2 metres and 23.7 metres. The LHA stated that such a low level of visibility would only be acceptable if vehicle speeds along Back Road are demonstrated to be in the 17-19mph range. From my own observations, vehicle speeds along Back Road are well in excess of this range, and the LHA has clearly objected to the erection of any more than a single dwelling on the site.
- 24. During the consideration of the previous application, the applicant was requested to explore the possibility of using the access approved for the adjacent land to the rear of 12 – 20 Back Road, and whether this would provide the opportunity to build more than one dwelling on the site. The previous application was withdrawn whilst these discussions were ongoing. The Local Highways Authority stated that, for highway safety reasons, it would also object to any more than the approved eight dwellings being served from this access.
- 25. In view of the objections raised by the Local Highways Authority to the use of the existing access by any more than a single dwelling, and to the use of the nearby approved access for any more than the eight approved properties, it is not possible, for highway safety reasons, to develop the site with more than a single dwelling.

### ***Impact on the character of the area***

- 26. In 1990, an application to erect a bungalow on this site was refused and subsequently dismissed at appeal, partly on the grounds that backland development was considered to be out of keeping with the open and rural character of the area. In the appeal decision, the Inspector specifically commented on the development projecting beyond the existing line of development fronting Back Road and the character of the site being more akin to that of the open landscape sweeping down from Rivey Hill.

27. During this period and, indeed, until the adoption of the 2004 Local Plan, there was very much a general in-principle objection in the planning system to backland development. The 2004 Local Plan included a specific policy setting out criteria to be considered for applications for backland development, whilst subsequent policy guidance and policies have sought to make the most effective use of land within village frameworks. Against this policy background, planning permission was granted by this Authority in 2005 and 2006 for the redevelopment of No.12 Back Road with two two-storey dwellings, the erection of two bungalows immediately to the rear of No.12, and the erection of a further four bungalows adjacent to the countryside boundary to the rear of Nos. 12 – 20 Back Road. This development has not been constructed to date, but these permissions do represent a material change to the character of the area since the 1990 appeal. There has also been a further approval for development to the rear of No.42 Back Road. Given that there is a character of authorised backland development in the immediate area, the erection of a dwelling on the site is considered to be acceptable.
28. The previously withdrawn application indicated that the proposed dwelling on the site would be a substantial two-storey structure. In addition, the current application initially proposed a 6 metre high structure. As stated previously, the site slopes upwards from the north-west to south-east. Beyond No.42 Back Road, to the north-west, is a bridleway leading steeply up to Rivey Hill to the north. From this bridleway, there are clear views of the entire site and the erection of a two-storey dwelling on the land was considered to be overly prominent and to result in harm to the character of the adjoining countryside. The approved bungalows to the rear of 12-20 Back Road have a ridge height of 5.2 metres and, to ensure that the proposed development reflects this character, the current application has been amended to reduce the maximum ridge height of the proposed dwelling to 5.2 metres. On this basis, the impact of the dwelling upon the character of the area is now considered to be acceptable.
29. Given the significant difference in levels across the site, it would be essential that any subsequent reserved matters or full applications are accompanied by a full survey showing levels across the site and detailed cross sections.

### ***Residential amenity***

30. The 1990 application and appeal were refused and dismissed respectively partly due to noise and disturbance to the occupiers of Nos. 26 and 28 Back Road caused by vehicular movements along the proposed means of access to the site. The Environmental Health Officer has been made aware of the previous decisions but has raised no objections to the impact of the proposal upon the amenities of occupiers of these adjoining properties.
31. The proposed means of access is used at present to access the paddocks and ménage area and the Local Highways Authority has advised that the level of vehicle movements associated with a single dwelling would be comparable to that of the existing use. Both the adjoining properties are set off the access and separated from it by boundary fencing and the impact of the minimal number of vehicle movements associated with one dwelling is not considered to result in serious harm to the occupiers of both properties.
32. The Inspector commented during the 1990 appeal that the impact of vehicle movements would be particularly pronounced if the access were to be used by emergency and service vehicles. The applicants agent held pre-application discussions with the Building Inspector, as a result of which it is proposed to introduce a sprinkler system within the proposed dwelling, thereby negating the need to provide satisfactory access for fire engines. In addition, discussions were also held with the Council's Environment Operations Manager who

advised that the access would be substandard for a refuse collection vehicle and that single dwelling could be responsible for moving its refuse out to the highway entrance for collection. No confirmation of this discussion has been received to date from the Environment Operations Manager and Members will be updated on any responses received prior to the Committee meeting.

33. Concerns were raised by the occupier of No.28 Back Road regarding the impact of the originally proposed dwelling in terms of overlooking of the private garden area. In the amended plans the scale of the dwelling has been reduced and the indicative site plan changed to reposition the dwelling further to the east. Whilst details of the siting are not proposed as part of this application, the edge of the site lies some 40 metres away from the rear wall of No.28, 35 metres from the rear of No.26, 45 metres from the back of 24/24a, 30 metres from No.22 and 20 metres from the rear of No.20 Back Road. Given these distances and the low scale of the proposed dwelling, it is considered that a dwelling can be accommodated on this site without resulting in undue harm to the amenities of adjoining residents by reason of overlooking or overshadowing.

#### ***Highway safety***

34. As confirmed by the Local Highways Authority, the use of the existing access for a single dwelling is not considered to result in any highway safety concerns.

#### ***Ecology***

35. The Ecology Officer has raised a holding objection until a walkover assessment of the site has been undertaken. The applicants agent has been advised of this comment and has indicated that the required assessment will be carried out shortly and submitted prior to the Committee meeting.
36. The concerns raised by the occupiers of No.26 Back Road, relating to their rear garden being used by Muntjac deer, were discussed with the Ecology Officer during the consideration of the previous application. However, these are not a protected species and no specific objections have therefore been raised to the impact of the any development upon their trails.

#### ***Infrastructure requirements***

37. In accordance with the requirements of Policies DP/4 and SF/10, as well as the Supplementary Planning Document on Open Space, all residential developments are expected to contribute towards the off-site provision and maintenance of open space (£4,258.90 for a 4+ bedroom dwelling). Additionally, Policy DP/4 also requires financial contributions to be made towards community facilities (£718.78 for a 4+ bedroom dwelling), household waste receptacles (£69.50). The applicants agent has confirmed, in writing, the clients agreement to the payment of these contributions, as well as the additional required costs for Section 106 monitoring (£50) and this Authority's legal costs (minimum £350).

#### ***Other***

38. Following the concerns raised by the occupiers of No.26 Back Road, the site edged red has been amended to exclude land under their ownership. In addition, the orchard land affected by the restrictive covenant has been annotated on the site plan.



## Recommendation

39. Subject to the provision of a biodiversity assessment and to no objections subsequently being raised by the Council's Ecology Officer, delegated powers are sought to approve the application, as amended by application form and statements date stamped 12<sup>th</sup> April 2010 and drawing date stamped 14<sup>th</sup> April 2010, subject to the following conditions:
1. Approval of the details of the layout of the site, the appearance of the buildings, existing and proposed site levels, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason – The application is in outline only.)
  2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
(Reason – The application is in outline only.)
  3. Sc6 – Landscape Implementation (Rc6)
  4. Sc27 – Contamination (Rc27)
  5. Sc38 – Noise during construction (Rc38)
  6. No development shall begin until details of a scheme for the provision of recreational infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.  
(Reason - To ensure that the development contributes towards recreational infrastructure in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007 and to the Supplementary Planning Document, Open Space in New Developments, adopted January 2009).
  7. No development shall begin until details of a scheme for the provision of community facilities infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy DP/4 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.  
(Reason - To ensure that the development contributes towards community facilities infrastructure in accordance with the Policy DP/4 of the adopted Local Development Framework 2007)

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

- East of England Plan 2008.
- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007.
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007.

- South Cambridgeshire Local Development Framework (LDF) Supplementary Planning Documents: Biodiversity; Open Space in New Developments; District Design Guide.
- Circulars 11/95 and 05/2005.
- Planning File Refs: S/0196/10/O, S/1539/09/O, S/1956/87/F, S/1379/90/F, S/0296/92/F and S/0483/94/F.

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