

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3 November 2010

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

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### **S/1137/10/F – FULBOURN Dwelling and Garage at Land off Cox's Drove for Mr Philip Law**

**Recommendation: Delegated Approval**

**Date for Determination: 24 September 2010**

#### **Notes:**

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

#### **Site and Proposal**

1. The site is a parcel of land located at the northern edge of the village of Fulbourn and just inside the village framework. It is occupied by a large single-storey garage building at its south-western end. The land directly to the north-east of the site comprises an L-shaped stable block and is located outside the framework and within the countryside and Green Belt. A row of mature trees, protected by a group Tree Preservation Order, defines the boundary between this land and the site. To the south-west is No.46's Cox's Drove, a two-storey part thatched and part tiled property. A number of single-storey buildings, used for commercial purpose, lie to the south-east whilst to the north-west is a small belt of trees beyond which is a railway line. The site is presently unused but, in the past, the garage has been used as a workshop and the land for open storage purposes.
2. The full application, registered on 30 July 2010, seeks to erect a detached five-bedroom dwelling, together with a detached double garage, on the site. The dwelling would be a 7.8 metre high two storey property comprising brick, render and timber walls under a natural slate roof. It would be sited approximately 12 metres back from the south-eastern/front boundary, with the double garage located between the dwelling and site frontage. The dwelling would be accessed via an existing access drive that also serves the commercial buildings to the south.

#### **Planning History**

3. None of relevance.

#### **Planning Policy**

4. South Cambridgeshire Local Development Framework Core Strategy Development Plan Document, adopted January 2007:

**ST/4 – Rural Centres**

5. 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  
**GB/3** – Mitigating the Impact of Development Adjoining the Green Belt  
**HG/1** – Housing Density  
**NE/6** – Biodiversity  
**NE/15** – Noise Pollution  
**SF/10** - Outdoor Play Space, Informal Open Space and New Developments  
**SF/11** – Open Space Standards
  6. Supplementary Planning Documents:  
  
**Open Space in New Developments** – Adopted January 2009.  
**Trees and Development Sites** – Adopted January 2009.  
**District Design Guide** – Adopted March 2010.  
**Landscape in New Developments** – Adopted March 2010.
  7. **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.
  8. **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**
9. **Fulbourn Parish Council** recommends refusal, stating:  
  
“The siting of a residential property would be out of keeping with the environment which consists of a large garden and a field which is in the Green Belt. In addition the proposed property would be immediately adjacent to an industrial estate and has a number of well established trees on the site that need to be protected. The access is via the industrial estate which is narrow and not suitable for a residential dwelling. A site visit is requested. The Council draws your attention that the neighbouring property has also objected to this application.”
  10. **The Trees Officer** raises a holding objection, stating that a full BS5837 tree survey and arboricultural impact assessment will be required clearly setting out the impact of the development upon the adjacent protected trees.
  11. **The Landscape Design Officer** comments that the dwelling will have access onto a narrow shared access drive which has existing doors opening out on to it. Would this result in any safety issues? It is likely that there would be pressure on the trees along the north-east boundary. They should be protected so that any future work on them can be controlled. A smaller house with a footprint that does not encroach on the trees’ space would be preferable. Landscape conditions would be required as well as tree protection drawings.
  12. **The Environmental Health Officer** states that, due to the proximity of the railway line to the north of the site, an acoustic report will be necessary to determine which PPG24 noise category this dwelling will experience.

13. **The Local Highways Authority** raises no objections, but requests that the following conditions be added to any consent due to the increased vehicle movements that the development would be likely to produce: the first 6m of the access to be hard paved in a bound material; and all surface water generated by the site to be dealt with internally and not permitted to drain onto the adopted public highway.

### **Representations**

14. A letter of objection has been received from the owner of No.46 Cox's Drove, who expresses the following concerns:
- (a) The application includes some errors in that the site has never been used as a main commercial base. Its main use was as scrap land, and was originally part of No.46's back garden. In addition, the access is less than 4m wide.
  - (b) The development would compromise the adjacent chestnut trees.
  - (c) The small access would be very dangerous.
  - (d) The Drove has no pavements and is prone to flooding.
  - (e) The development would affect the light and outlook to No.46.
  - (f) The dwelling would overlook the rear garden of No.46 resulting in a loss of privacy.
  - (g) The house would be out of keeping with this predominantly commercial area.
  - (h) If approved, the development may set a precedent for development of the adjacent paddock land, which has previously been refused.

### **Planning Comments – Key Issues**

#### ***Principle of the Development***

15. Fulbourn is identified as a Rural Centre under Policy ST/4 of the Local Development Framework 2007. In such locations there is no maximum limit on the number of dwellings within individual scheme sizes, providing adequate services, facilities and infrastructure are, or can be made, available.
16. The site measures 0.083 hectares in area. The erection of one dwelling on the land equates to a density of 12 dwellings per hectare. This is below the requirement of 40 dwellings per hectare required by Policy HG/1 of the Local Development Framework. It is therefore necessary to consider whether there are any other material considerations that would indicate a different density would be more appropriate. The site is bounded by Green Belt land to the east and beyond the railway track to the north. In order to protect the character of the adjoining countryside and Green Belt, any development should not extend further north of a line drawn between No.46 Cox's Drove and the outbuilding on the land to the north-east. The proposed scheme achieves this. In addition, there is also a belt of protected mature trees adjacent to the north-eastern side boundary. In order to avoid harm to the roots of these trees, the width available for development is limited meaning that it would not be possible to site more than one dwelling across the site. Achieving a greater density of development would therefore involve developing in depth, and this would represent an overly urban form of development on the edge of the framework. On balance, therefore, it is considered that the erection of just one dwelling on this site is acceptable in principle.

#### ***Impact on the Character of the Area***

17. Concerns have been raised by the Parish Council and by the immediate neighbour on the basis that the proposed development would be harmful to the character of the area. The character of development in the vicinity of the site is extremely varied, and includes a two-storey thatched and mansard roof dwelling at No.46 Cox's Drove, a single-storey brick outbuilding/stable to the north-east, single-storey predominantly

render and timber commercial buildings to the south, and a bungalow and two-storey brick dwelling further to the south. There is therefore no defining architectural style in the immediate area that needs to be adhered to. Of greater importance on this site, is ensuring any development would not have an unduly intrusive impact upon its surroundings. In this instance, the dwelling has been sited so that it would be no closer to the north-western boundary than the dwelling at No.46 Cox's Drove and the outbuilding on the adjacent land to the north-east. Beyond both the north-west and north-east boundaries, the site is extremely well screened by mature trees whilst, from Cox's Drove itself, the dwelling would be seen in the context of the commercial buildings to the south and viewed against a backdrop of mature trees. The development is not therefore considered to result in demonstrable harm to the character and appearance of the area.

18. The immediate neighbour has also commented that, if approved, this would set a precedent for development of the adjacent paddock land, which has previously been refused. Unlike the application site, this land is sited outside the village framework and in the Green Belt, where there are strict controls over such development. Approval of this application would not therefore create such a precedent.

### ***Residential Amenity***

19. The owners of the adjacent dwelling, No.46 Cox's Drove, have expressed concerns regarding the impact of the development upon their amenities. No.46's garden is split into three different sections. The southernmost element is used as allotments/for growing fruit and vegetables. The central element, directly on the north-east side of the property, forms the main private garden area. Beyond this to the north-west is a chicken run and area of woodland and informal garden. The proposed dwelling would be sited approximately 24m away from No.46's rear elevation, and this distance is sufficient to ensure the occupiers of No.46 would not suffer an undue loss of light or outlook. No first floor windows are proposed in the side elevation of the dwelling looking towards No.46's private garden. Given the proximity of the development to the common boundary, any first floor windows in this elevation would result in an overlooking problem. Under the terms of the GPDO, any future first floor windows proposed for this elevation would need planning permission unless fixed shut and obscure glazed or designed with an opening part positioned at least 1.7m above the finished first floor level. The owner of No.46 has raised concern regarding overlooking from the rear first floor windows. However, these would look towards the more informal part of the garden, at an oblique angle, rather than directly over the private garden area. The development is not therefore considered to unduly harm the amenities of occupiers of No.46 by reason of a loss of privacy.
20. The Environmental Health Officer has raised concerns regarding the amenities of future residents of the proposed dwelling given its proximity to the railway line to the north. Any consent should therefore be conditional upon the submission of an acoustic assessment.

### ***Trees***

21. The Trees Officer has raised some concerns regarding the impact of the development upon the protected trees and has requested the submission of a full tree survey and arboricultural impact assessment. The application was accompanied by a pre-development tree survey, including plans showing tree protection details. Discussions have been ongoing between the Trees Officer and the applicant's consultant, and Members will be updated on the outcome of these discussions prior to the Committee meeting.

### ***Highway Safety***

22. The Local Highways Authority has raised no objections to the highway safety implications of the proposal. The access would be shared with that serving the adjacent commercial unit to the south. It is less than the usual 5 metre width required for a shared driveway but is located towards the end of the road, with the only property requiring vehicular access beyond this point being the residential dwelling at No.46 Cox's Drove. With regards to the conditions requested by the Local Highways Authority, the proposed access is presently hard surfaced. Additionally, the submitted Design and Access Statement confirms that surface water run-off would be managed by providing a porous surfaced driveway and parking area.

### ***Flood Risk***

23. The owner of No.46 has raised some concerns regarding the flood-risk implications of the development. However, the site is located within an area of low flood risk (Flood Zone 1), as defined by the Environment Agency. As such, there is no requirement for the application to be accompanied by a Flood Risk Assessment, but there is a need to ensure surface water run-off is managed appropriately. The Environment Agency's guidance on this issue should be forwarded to the applicant's agent with any planning permission.

### ***Infrastructure Requirements***

24. 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, the provision of indoor community facilities, and the provision of household waste receptacles. For the five-bedroom dwelling proposed, this results in a requirement for contributions of £4,258.90 towards open space, £718.78 towards community facilities, and £69.50 towards household waste receptacles, as well as additional costs towards Section 106 monitoring (£50) and legal fees (minimum £350). The applicant's agent has confirmed, in writing, his client's agreement to the payment of these contributions.

### ***Recommendation***

25. Subject to the resolution of the objection raised by the Trees Officer, delegated powers are sought to approve the application, subject to the following conditions:
1. SC1 – Full planning permission, time limit (3 years).
  2. No development shall take place until details of the materials to be used for the walls and roofs of the dwelling and garage hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason – To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
  3. Sc5 – Landscaping (Rc5)
  4. Sc6 – Implementation of landscaping (Rc6)
  5. Sc7 – Trees (Rc7)
  6. Sc8 – Tree Protection (Rc8)
  7. Sc12 – Boundary treatment details (Rc12)

8. No development shall take place until a scheme for protecting the proposed dwelling from noise from the nearby railway line has been submitted to and approved in writing by the Local Planning Authority. All works that form part of the scheme shall be completed before the first occupation of the dwelling. (Rc37)
9. No power operated machinery shall be operated on the premises during the period of construction, before 0800 hours on weekdays and 0800 hours on Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions. (Reason – To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the Local Development Framework 2007.)
10. 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)
11. 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:

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Supplementary Planning Documents: Open Space in New Developments; Trees and Development Sites; District Design Guide; Landscape in New Development.
- Circular 11/95 and 05/2005
- Planning File Reference: S/1137/10/F

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