

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

3 April 2013

**AUTHOR/S:** Planning and New Communities Director

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### **S/2600/12/OL – COTTENHAM**

**Outline application, with all matters reserved, for the erection of a dwelling and garage at 15 Ivatt Street for Mr A Bareham**

**Recommendation: Delegated Approval**

**Date for Determination: 15 February 2013**

#### **Notes:**

**This application has been reported to the Planning Committee for determination because the Officer recommendation is contrary to the response of Cottenham Parish Council**

#### **Departure Application**

**To be presented to the Committee by Nigel Blazeby**

#### **Site and Proposal**

1. The site comprises an overgrown parcel of land that lies on the east side of Ivatt Street and outside the defined village framework for Cottenham. The site is accessed from Ivatt Street which exits onto the High Street, between Nos. 68 and 70 further to the south. Ivatt Street consists of a concrete track up to No.14, from where it continues north as a dirt track along the frontage of the site and to No.38 Ivatt Street. The site is bounded by mature trees and hedges to the north, east and west boundaries and by a fenced boundary to the adjacent 1980's chalet-style dwelling at No.14 to the south. To the north is a substantial detached dwelling whilst to the south-west, on the opposite side of the road, is a 1980's house. Further to the south are an attractive group of render and slate cottages.
2. The application seeks outline consent, with all matters reserved, for the erection of one dwelling on the site. The information submitted with the application states that the proposal would represent infill development, and that the land is a brownfield site, having previously been used as a commercial garage and with the concrete base of the garage building and parking areas still evident on the site.
3. It is proposed that the dwelling would be a two-storey four-bedroom building (approximately 8m high), with an integral garage, and would comprise brick and render walls under a tiled roof. It is proposed to retain trees and hedges along the boundaries and to supplement this with additional planting.

## Planning History

4. S/1304/12/OL – Outline application for two detached two-storey dwellings refused for the following reasons (summarised)
  - Development outside the defined framework would contravene LDF Policy DP/7
  - The development would detract from the open, rural character of the area
  - Absence of evidence to demonstrate that the provision of affordable housing cannot be secured on the site
  - In the absence of a biodiversity survey, the application fails to demonstrate the development would not have an adverse impact on great crested newt habitat.
5. S/1434/91/O – Outline application for a dwelling and garage refused on the grounds that the site lies outside the village framework and for highway safety reasons.
6. S/2653/88/O – Outline application for one house refused on the basis that the site lies outside the development framework and due to the inadequate width and construction of the access and poor visibility at the junction with the High Street to cater for the additional traffic.
7. S/1159/81/O – Outline application for a dwelling, 2 garages and a stable block refused and dismissed at appeal. The Inspector considered whether the proposal would represent an acceptable addition to and infilling of development along this part of Ivatt Street, and whether the increased use of Ivatt Street would cause unreasonable highway safety hazards. He stated that Cottenham is essentially a linear village with Ivatt Street being a long cul-de-sac leading north-westward from the High Street. To the south-east, the site is adjoined by No.14, to the north-east it adjoins a narrow strip of land with an extensive warehouse beyond. This part of the High Street has a distinctive plan shape with closely built-up frontages backed by long and narrow strips of land and considered Ivatt St, although fronted by properties on both sides, to be part of this pattern. The south-east half of Ivatt Street is closely built-up with houses and the rear parts of a repair garage fronting High Street. The north-west half containing the site is very different in character and fronted by open land. Although adjoined by curtilages on 2 sides the site is remote from the buildings on adjacent properties. Gap between No.14 and 30 in excess of 100m. Inspector did not consider the development to amount to infilling of an otherwise built-up frontage and considered the site to lay beyond the built limits of Cottenham. The land is open with a pleasant rural character and Inspector felt village should not be expanded in this direction. Nos. 13 and 14 were recently built at the time and not considered to form a precedent for allowing the scheme. They face each other and Inspector felt they clearly indicate the visual physical limits of this part of Cottenham. Development of the site felt to be seriously out of character with its neighbours and undesirably intrude into the open countryside. With regards to highway safety, he felt visibility to south-west was adequate but to north restricted by overhanging foliage and a telegraph pole. It was acknowledged that the hard surfaced parts of Ivatt St could be extended to form an adequate approach to the site. Representations expressed concern about the congestion and danger caused by the limited width of the junction of Ivatt St with the High St. However, the impact of 1 extra dwelling was not considered to be significant in highway safety terms.
8. S/0915/80/O – 2 bungalows – refused on grounds of – outside built up area, inadequate access to the site and precedent for similar development in the vicinity. The application was dismissed at appeal. In this decision, the Inspector commented on the substandard nature of the access, considering it scarcely fit to serve the dwellings already there, whilst reference was made to the planning gains associated with development of the dwellings now known as Nos. 13 and 14.

9. S/1047/79 – Residential development – refused.
10. Between 1961 and 1970, temporary consent was granted (and renewed a number of times) for two residential caravans on land comprising the current application site and that now occupied by the dwelling at No.14 Ivatt Street.

### **Planning Policy**

11. National Planning Policy Framework 2012
12. South Cambridgeshire LDF Core Strategy DPD, 2007:  
ST/5: Minor Rural Centres
13. South Cambridgeshire LDF Development Control Policies DPD 2007:  
DP/1: Sustainable Development  
DP/2: Design of New Development  
DP/3: Development Criteria  
DP/4: Infrastructure and New Developments  
DP/7: Development Frameworks  
HG/1: Housing Density  
NE/1: Energy Efficiency  
NE/6: Biodiversity  
NE/15: Noise Pollution  
SF/10: Outdoor Playspace, Informal Open Space and New Developments  
SF/11: Open Space Standards  
TR/1: Planning for More Sustainable Travel  
TR/2: Car and Cycle Parking Standards
14. South Cambridgeshire LDF Supplementary Planning Documents (SPD):  
Cottenham Village Design Statement – Adopted November 2007  
Open Space in New Developments – Adopted January 2009  
Trees and Development Sites – Adopted July 2009  
Biodiversity – Adopted July 2009  
District Design Guide – Adopted March 2010
15. 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.

### **Consultation by South Cambridgeshire District Council as Local Planning Authority**

16. **Cottenham Parish Council** – Recommends refusal on the following grounds:
  - The proposed location is outside the village framework therefore this would create a precedent.
  - The private access road is also very poor and a previous application for this site was refused.
17. **The Trees Officer** – Raised no objections to the previous application for two dwellings, advising that trees on the site are not afforded any statutory protection and that trees identified for retention should be protected in accordance with BS5837 2012.

18. **The Ecology Officer** – States that the site is near to a number of waterbodies that have historically provided breeding sites for the protected great crested newt. Whilst no objection is raised to the principle of development on the site, before full permission is granted, an assessment of the habitat for its suitability for great crested newts will be required, with the possible follow-up work of site clearance of newts and exclusions measures being put in place. The site was cleared of shrubs in 2012 and is not presently considered a suitable habitat for breeding birds.
19. **The Environmental Health Officer (Contaminated Land)** – States that the site is occupied by a former service station/garage. A condition requiring a scheme of contamination investigation prior to commencement of any development should therefore be added to any consent.
20. **The Local Highways Authority** – Raises no objections, stating that no significant adverse effect upon the public highway should result from the proposal as Ivatt Street is not public highway.
21. **The Cottenham Village Design Group** – States that the site is outside the village framework and is not in direct view of the High Street. The Design Group would not generally wish to see development that extends the village edge in a piecemeal way but, in this instance, it is considered this site could be an acceptable location for an element of infill development.

#### **Representations by members of the public**

22. Letters of objection the owners of Nos. 1, 9, 13 and 38 Ivatt Street. The main points raised are:
  - How can altering the scheme from two dwellings to one result in an alternative decision? The same issues apply whether for one of two houses.
  - The site is a greenfield site that lies outside the village framework. In such locations, new dwellings are unacceptable.
  - If approved, this would set a precedent for further development.
  - The development would result in additional traffic for which Ivatt Street is unsuited. Ivatt Street is a narrow unadopted road with no footpaths and is of insufficient width for two vehicles to pass. The site is also adjacent to a busy day nursery at No.14 where there are families with young children that drive or walk along the road.
  - The development would increase traffic and noise along Ivatt Street, and result in disturbance and a loss of amenity to adjacent residents.
  - There are believed to be great crested newts on the site.
  - The statement refers to the site being a commercial garage with access from Rampton Road and Ivatt Street. This is incorrect. There have been no buildings on the site since two small wooden houses were demolished in the 1940's.
  - There was no historic access from Rampton Road to Ivatt Street as stated in the application.

- There are no gas, water and electricity services on the site.
- Granting consent for a dwelling could allow caravans to be legally parked on the site.
- The road is becoming in need of repair, and the applicant should repair any additional damage after the houses have been built.

### **Material Planning Considerations**

23. The key issues to consider in the determination of this application relate to: the principle of the development; the impact of the development upon the character of the area; highway safety; residential amenity; ecology; and infrastructure requirements.

#### ***Principle of the development***

24. The site lies outside the defined village framework for Cottenham. Policy DP/7, which relates to development in countryside locations, states that only development for agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside will be permitted. The erection of a dwelling on this site would conflict in principle with Policy DP/7, which seeks to ensure that all development (other than the exclusions referred to above) is located on sites within village frameworks.
25. The applicant's agent contends that the proposed development is supported within the National Planning Policy Framework (NPPF), firstly on the basis that it is 'previously developed land' (with services connected and previous foundations being clearly visible). In addition, as the Council does not have a 5 year supply of housing land with planning permission, it is argued that the development of unallocated land or land outside the framework would also be in accordance with Government policy encompassed within the NPPF.
26. With regards to the issue of 'previously developed land', one of the 12 core planning principles of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land). Annex 2 of the NPPF defines previously developed land as:
- "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes.....land that was previously developed but where the remains of the permanent structure or fixed surface-structure have blended into the landscape in the process of time."
27. The site has an extremely lengthy planning history. The applicant's agent states that there were previously two cottages on the site as well as caravans, whilst there was also a repair workshop, the foundations of which can still be seen on site. It is understood the former cottages were demolished in the 1940's. The planning history indicates that throughout the 1960's and early 1970's, the site formed part of a larger area of land upon which a succession of temporary consents was granted for two caravans, with the last of these consents expiring some 40 years ago. Appeal decisions dating from the 1980's refer to the presence at that time of two derelict workshop buildings on the land and the remains of a third building. This is in excess of 30 years ago and, whilst it is understood the foundations of these buildings remain on the site, there are no obvious structures on the land that lend it a 'developed'

character. The NPPF definition of previously developed land makes it clear that, where the remains of previous structures have blended into the landscape in the process of time, such land is excluded from the definition. This is considered to be the case in this instance, and it is therefore considered that the site does not fall within the definition of brownfield land.

28. As stated above, the applicant's agent has stressed that development of the site would accord with Government policy and should be granted as a windfall, stating that the Council does not have a 5 year supply of land with planning permission and that land outside frameworks should therefore be favourably considered for development.
29. The NPPF sets out a presumption in favour of sustainable development, stating that this should be seen as a golden thread running through plan-making and decision-taking. It states that Local Planning Authorities should identify a supply of deliverable sites sufficient to provide five years' worth of housing against their housing requirements. The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. To promote sustainable development in rural areas, the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities.
30. As part of the review of the Local Plan, consideration is being given to upgrading the sustainability status of Cottenham to a Rural Centre, where there would be no limit on housing development within the village framework. The Council does not presently have a demonstrable 5-year supply of housing sites. Given that the site lies directly adjacent to the framework boundary and in close proximity to the heart of the village and its services and facilities, the location of the site is considered to be in compliance with the principles and objectives of the NPPF, and the presumption in favour of sustainable development. As such, the erection of a dwelling on the site is considered to be acceptable in principle.

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

31. The NPPF states, in paragraph 14, that permission should be granted for sustainable development unless "any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework....".
32. Previous applications on the site, including that for two dwellings, have been refused due to the impact on the character of the area. In the consideration of the appeal into application reference S/1159/81/O, the Inspector considered the site to be open and rural in character, with Nos. 13 and 14 indicating the visual physical limits of this part of the village, and concluded that development of the site would represent an undesirable intrusion into open countryside. Since this decision, planning permission has been granted for the erection of a substantial detached replacement dwelling at No.38 Ivatt Street and the site therefore comprises a parcel of land sited midway between two sizeable detached dwellings. Whilst there is open land on the opposite side of Ivatt Street to the west, in all other directions, any dwelling on the site would be viewed in the context of a mixture of residential and commercial buildings. In conclusion, therefore, it is considered that, whilst development of the site would result in some visual intrusion into the open and rural character of the area, the harm can be mitigated by existing and proposed landscaping and is not considered to be so

significant as to outweigh the presumption within the NPPF in favour of such development.

### ***Highway safety***

33. Within a number of representations, including from the Parish Council, concerns have been raised regarding the highway safety implications of the proposed development. Ivatt Street consists of a concrete track of a poor standard of repair and generally of insufficient width to enable two vehicles to pass. In addition, visibility from Ivatt Street onto the High Street is often restricted by vehicles parked on-street. In the previous appeal decisions, Inspectors came to differing views on the highway safety implications of previous proposals. In the decision relating to 2 bungalows (S/0915/80/O), the Inspector deemed the substandard nature of the access to be scarcely fit to serve the dwellings already there. However, in the later decision relating to 1 dwelling (S/1159/81/O), the Inspector acknowledged that visibility to the north was restricted, but stated that hard surfaced parts of Ivatt Street could be extended to form an adequate access to the site and felt the additional movements associated with 1 extra dwelling would not be significant in highway safety terms. Outline applications to erect a dwelling on the site in 1988 and 1991 were both refused on highway safety grounds, but neither of these decisions were the subject of an appeal.
34. The Local Highways Authority has been consulted on the proposal and has been made aware of the planning history of the site, as well as the points made within neighbour representations. However, it has concluded, given the number of dwellings served by Ivatt Street at present, the number of additional movements associated with one additional dwellings would not be such that an objection could be raised on highway safety grounds.

### ***Residential amenity***

35. The proposed site occupies a substantial gap between two detached dwellings whilst the land opposite and directly to the rear is undeveloped. It is therefore considered that the site can accommodate a two-storey dwelling in principle without compromising the amenities of occupiers of adjacent residential properties.

### ***Ecological impacts***

36. The Council's Ecology Officer has advised that the site lies near to a number of waterbodies that have historically provided breeding grounds for great crested newts, a protected species. In the previous application, the Ecology Officer objected to the principle of the development in the absence of a biodiversity assessment, and the application was therefore refused on these grounds. However, the comments have since been revised to advise that this matter could be resolved by way of a condition requiring an assessment to be carried out before any full permission is granted. As this matter can be controlled by condition, this therefore overcomes the fourth reason for refusal of the previous decision.

### ***Affordable housing and infrastructure requirements***

37. The previous application for two dwellings was refused partly because it failed to provide sufficient justification for the payment of a commuted sum in lieu of the on-site provision of one affordable dwelling. Given that the scheme has been revised from two dwellings to one dwelling, there would no longer be a requirement for affordable housing.

38. To comply with the requirements of Policies DP/4 and SF/10 of the Local Development Framework, as well as the adopted Open Space Supplementary Planning Document, all residential developments must contribute to the off-site provision and maintenance of open space, to the off-site provision of indoor community facilities, and towards the provision of household waste receptacles. For a dwelling comprising four+ bedrooms, this would result in a requirement for the following contributions: £4,258.90 for offsite public open space, £703.84 for indoor community facilities, £50 for Section 106 monitoring and £69.50 towards household waste receptacles. The application has been accompanied by a completed Heads of Terms template confirming the applicant's acceptance of these payments. If Members resolve to approve the application, the S106 agreement will need to be completed in advance of the decision being issued.

### **Recommendation**

39. Subject to the prior signing of a Section 106 legal agreement, delegated powers are sought to approve the application subject to the following conditions:
1. Approval of the details of the layout of the site, the scale and appearance of the development, the access and the landscaping (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason – This 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. The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason – The application is in outline only.)
  4. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 site location plan  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
  5. The layout shown within drawing number ASCA/CKM/03/36/2012.1 Rev A is for illustrative purposes only and is not approved by this consent.  
(Reason – The application is in outline only.)
  6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)



7. No demolition, site clearance or building operations shall commence until tree protection comprising weldmesh secured to standard scaffold poles driven into the ground to a height not less than 2.3 metres shall have been erected around trees to be retained on site at a distance agreed with the Local Planning Authority following BS 5837. Such fencing shall be maintained to the satisfaction of the Local Planning Authority during the course of development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with tree(s) of such size and species as shall have been previously agreed in writing with the Local Planning Authority. (Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
8. No development shall take place until walk over surveys of the site for protected species (great crested newts) has been undertaken and the results submitted to the Local Planning Authority, together with any mitigation measures. No development shall take place other than in accordance with approved mitigation measures. (Reason - To minimise disturbance, harm or potential impact upon protected species in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007 and their protection under the Wildlife and Countryside Act 1981.)
9. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and 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. (Reason – To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the Local Development Framework 2007.)
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.
  - c) 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.
  - d) 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 DP/1 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: Cottenham Village Design Statement 2007, Open Space in New Developments 2009, Trees and Development Sites 2009, Biodiversity 2009, District Design Guide 2010.
- National Planning Policy Framework 2012
- Circular 11/95
- Planning File References: S/2600/12/OL, S/1304/12/OL, S/1434/91/O, S/2653/88/O, S/1159/81/O, S/0915/80/O and S/1047/79.

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