

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 May 2014

AUTHOR/S: Planning and New Communities Director

Application Number: S/0373/14/FL

Parish(es): Ickleton

Proposal: Erection of Dwelling and Associated Works

Site address: Land to the west of 20, Church Street

Applicant(s): Heddon Management Ltd

Recommendation: Approval

Key material considerations: Neighbour Amenity

Committee Site Visit: None

Departure Application: No

Presenting Officer: Katie Christodoulides

Application brought to Committee because: The officer recommendation conflicts with the recommendation of Ickleton Parish Council

Date by which decision due: 16/04/2014

Site and Proposal

1. The site is located within the Ickleton village framework and conservation area. It is a triangular shaped plot that measures approximately 0.05 of a hectare in area. The site currently comprises an area of rough grass that has a number of trees around the perimeter. The land levels rise to the north. A public footpath runs along the north eastern boundary. The site lies within flood zone 1 (low risk).
2. An electricity substation is situated immediately to the east of the site. It is surrounded by high fencing. No. 20 Church Street is a detached, two-storey, render and plain tile listed building that lies to the south east. It has a high curtilage listed flint wall along the boundary with the site and first floor kitchen, bathroom and landing windows in its rear elevation. No. 1 Frogge Street is a detached, two and a half storey, render and plain tile listed building that lies to the south west. It has a high fence along its rear boundary. No. 28 Church Street is a one and a half storey, render and slate dwelling that lies to the west. It has a ground floor kitchen window in its side elevation and ground lounge patio doors and a first floor bedroom window in its rear elevation. A low fence and trees align the boundary with the site. No. 10 Butchers Hill is a detached,

one and a half storey, weatherboard and plain tile dwelling that lies to the north. It is set at an elevated level and has sitting room and bedroom windows in its rear elevation and its main sitting out area adjacent the southern boundary wall.

3. This full planning application, received 19 February 2014, seeks the erection of a single storey L shaped dwelling along the north and western site boundaries. The building would measure 14.4 metres in length, 16.8 metres in depth and have a height of 3.8 metres. It would have a contemporary design with a central flat roof and two monopitch roof elements of different heights. The materials of construction for the monopitch elements would be zinc with a dark grey brick plinth and vertical boarding for the elevations. Two parking spaces would be provided on the driveway. The existing Walnut and fruit trees in the south eastern corner of the site would be retained. The remaining trees would be removed. Three new trees and a laurel hedge would be planted on the south western boundary of the site, two new trees would be planted on the north /north eastern boundary of the site, and one new tree would be planted within the courtyard amenity area.

Planning History

4. An appeal was dismissed for the erection of a dwelling on the site under reference **S/0167/13/FL**. The proposal was considered by the Inspector to have an unacceptable visual impact upon and be intrusive to the neighbour at No.10 Butchers Hill.
5. An appeal was dismissed for the erection of a dwelling on the site under reference **S/1725/11**. The proposal was considered by the Inspector to have an unacceptable impact upon the amenity of the neighbour at No. 10 Butchers Hill.
6. Planning permission was refused for the erection of a dwelling on the site under reference **S/2123/08/F**. The proposal was considered to damage the setting of the listed building at No. 20 Church Street and the conservation area through the bulk of the development affecting the site's open character and design being unsympathetic to the traditional character of buildings within the vicinity of the site and harm to the amenities of neighbours at No. 28 Church Street through being unduly overbearing in mass, through noise and disturbance from the use of the access; and through overlooking.
7. An appeal was dismissed for the erection of dwelling and garage on the site under reference **S/0750/05/F**. The proposal was considered by the Inspector to damage the setting of the listed building at No. 20 Church Street through the loss of a significant section of the curtilage listed boundary wall, the bulk of the development affecting the secluded surroundings, and the height of the building destroying the majority of the site's open character; harm to the amenities of neighbours at No. 28 Church Street through being unduly overbearing in mass and through noise and disturbance from the use of the access; and an adverse impact upon the new dwelling through overlooking from existing dwellings.

Planning Policies

8. *Local Development Plan Policies*

South Cambridgeshire LDF Core Strategy DPD, 2007:
ST/7 Infill Villages

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
CH/2 Archaeological Sites
CH/3 Listed Buildings
CH/4 Development Within the Setting of a Listed Building
CH/5 Conservation Areas
NE/1 Energy Efficiency
NE/6 Biodiversity
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

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009
Development Affecting Conservation Areas SPD - Adopted January 2009
Listed Buildings SPD - Adopted July 2009
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Biodiversity SPD - Adopted July 2009
District Design Guide SPD - Adopted March 2010

Draft Local Plan

S/9 Minor Rural Centres
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development
S/7 Development Frameworks
HQ/1 Design Principles
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
SC/7 Outdoor Play Space, Informal Open Space and New Developments
SC/8 Open Space Standards
CC/1 Mitigation and Adaption to Climate Change
CC/2 Renewable and Low Carbon Energy Generation
NH/4 Biodiversity
NH/14 Heritage Assets
TI/3 Parking Provision
T1/8 Infrastructure and New Developments
T1/9 Education Facilities

Consultations

9. **Ickleton Parish Council**-Recommends refusal. Concerns raised regarding design, impact upon the Conservation Area and adjacent listed building and listed wall, size of the dwelling, cramped appearance, parking, highway safety, neighbour amenity. Should the application be recommended for approval conditions should be added in regard to a methodology for the safe preservation of the listed walls and make good any damage to the walls incurred as a result of the development, with traditional methods of repair and permitted development rights are removed.

10. **Conservation Officer**-Recommends approval given the views of the inspector in relation to the previous application.
11. **Local Highways Officer**-Requires conditions to ensure that the driveway is constructed with adequate drainage measures, the access be provided as shown on the plans and retained free of obstruction and a bound material within 6 metres of the public highway.
12. **Archaeology Officer**-Requests a condition is added to any consent granted to require the applicant to undertake archaeological investigation due to the high archaeological potential of the site.
13. **Environmental Health Officer**-Has no objections and requests a condition in regard to hours of working and two informatives in regard to drive pile foundations and burning of waste on site.
14. **Tree Officer**-Raises concerns regarding impact of the development on T4 and T5 trees which are located off site.
15. **Landscape Design Officer**-No objections but requests conditions are added to any consent granted to require details of landscaping.
16. **Ecology Officer**- No reply (out of time).
17. **Rights of Way and Access Team**- No reply (out of time).
18. **Ramblers Association**-No reply (out of time).

Representations

19. **The Ickleton Society**- Objects to the proposal on the grounds of visual impact to the neighbour at No.10 Butchers Hill, size of the dwelling, impact upon the curtilage listed wall and listed building and the design.
20. **10 Butchers Hill**- Objects to the proposal on the grounds of overlooking, privacy, visual intrusion, noise and disturbance, impact to the setting of the adjacent listed building, design, and highway safety.
21. **Gurner House, 20 Church Street**-Objects to the proposal on the grounds of size, impact upon the neighbour at No.10 Butchers Hill, design, impact upon the adjacent listed buildings and listed wall and highway safety.
22. **Oak Cottage, 30 Church Street**- Objects to the proposal on the grounds of overdevelopment of the site, highway safety, impact upon the Conservation Area and adjacent listed building, tree impact and neighbour amenity.

Planning Comments

23. The key issues to consider in the determination of this application are the principle of the development and density, and the impacts of the development upon the setting of adjacent listed buildings, the character and appearance of the conservation area, the curtilage listed wall, trees and landscaping, highway safety, and neighbour amenity.

Principle of Development

24. The site is located within the village framework of an 'Infill Village' where residential developments of up to two dwellings are considered acceptable in principle subject to all other planning considerations.

Density

25. The development of one dwelling would equate to a density of 20 dwellings per hectare. Whilst this would be below the density requirement of 30 dwellings per hectare that should be achieved in villages such as Ickleton, it is considered appropriate in this case given the sensitive nature of the site within the conservation area and adjacent listed building, and the access restrictions.

26. Setting of Adjacent Listed Buildings

No. 20 Church Street is situated to the east of the site. It is a two-storey listed building that is set on the back edge of the footpath. The original building is to the eastern side with the main garden to the rear, and a 1970's two-storey annexe extension is to the western side with a kitchen garden to the rear and parking area to the side. There is a high flint wall along the eastern side boundary and large conifers to the rear.

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"The relationship of the site to No.20 to be 'somewhat tenuous'. That cannot be disputed. The boundary wall between No.20 and the appeal site provide clear separation and the ground level of the appeal site is significantly lower. A building on the appeal site would bring visual change but would have no harm to its setting as a listed building."

Given the above comments and that the current proposal has been further set into the ground with a lower height and a reduced in scale to single storey, the development is not considered to damage the setting of the listed building at Gurner House, No. 20 Church Street.

No. 1 Frogge Street is situated to the west of the site. It is a two and a half storey building that is set on the back edge of the footpath. It is situated a distance of 20 metres from the site boundary and has a high fence along its rear boundary. There are some trees and landscaping within the site that act as a screen.

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"The long rear garden at No.1 Frogge Street and the firm boundary render the contribution of the appeal site to the building's setting less obvious than at No.20 Church Street. The conclusion in 2012 was that there would be no significant intrusion on the setting of the listed building. The reduced two-storey bulk and its increased distance from the common boundary make that even more true of the design now proposed."

Given the above comments and that the current proposal has been further set into the ground and reduced in scale to single storey, the development is not considered to damage the setting of the listed building at No. 1 Frogge Street.

27. Curtilage Listed Wall

The Inspector made the following comments in relation to the application S/1725/11 dismissed at appeal (Reference APP/W0530/A/12/2176129): -

“As an important feature of the listed building’s curtilage, and of special historic interest itself, the wall’s preservation and its long term integrity must be ensured during construction of the new dwelling and after it has been erected. There is nothing to suggest that the wall is structurally unsound, and its fabric is generally in a serviceable condition. The report (structural) identifies the means by which the stability of the wall could be secured as excavations take place to accommodate foundations for the new dwelling. The technique described is not unusual and often successfully implemented under similar circumstances of proximity of historic buildings to new development. I am confident that there are sufficient expertise and construction methods available to be assured of adequate protection of the wall during and after construction of the proposed house. Such measures could be controlled by condition.”

28. Given the above comments and subject to a condition that requires details of the method of excavation to be agreed to enable its retention and protection, the development is not considered to harm the curtilage listed wall.

29. Character and Appearance of the Conservation Area

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

“The appeal site is not readily visible from public vantage points. The proposed dwelling would be barely noticeable, if at all. If it were glimpsed, it would be within a setting of other buildings and trees. The pattern of development and style of building around the appeal site are both mixed. There is no reason why even an overtly modern design, such as is proposed, should not sit comfortably in its context”.

Given the above comments and that the current proposal has been reduced in height and scale down to single storey, the development is considered to preserve the character and appearance of the conservation area.

30. Trees and Landscaping

The proposal would not result in the loss of any important trees or landscaping that contribute to the visual amenity of the area. The significant Walnut tree would be retained and protected. The trees to be removed along the south western boundary would be replaced. A landscaping condition would be attached to any consent ensure that planting softens the impact of the development upon the surrounding listed buildings and conservation area.

31. Highway Safety

The proposal is not considered to result in a material increase in traffic generation to and from the site that would be detrimental to highway safety. The access width is considered suitable. Whilst it is acknowledged that the standard requirement of 2.0 metres x 2.0 metres pedestrian visibility splays could not be achieved on each side of the access due to the boundary wall and that this would lead to restricted visibility when exiting the site, the use of lower splays are considered acceptable in this case given the support by the appeal Inspector under appeal reference:

APP/0530/a/05/1187162 who did not consider the level of traffic that would use the access and standard of visibility to pose a significant threat to pedestrian safety.

Two on-site parking spaces would be provided for the new dwelling that would accord with the Council's parking standards. The proposal would not therefore lead to on-street parking that would cause a hazard and adversely affect the free flow of traffic along Church Street.

Although it is noted that the proposal would not provide an on-site turning area and vehicles would have to reverse out of the site, this is considered acceptable given the nature of the existing access and the lack of any objection from the Local Highways Authority.

32. Neighbour Amenity

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"The proposed house would be visible from habitable windows in 20 Church Street. Any overlooking or loss of privacy however, could only be from the first floor bedroom windows in the proposed house".

"The low profile of the proposed house, compared with the levels at No.20, means that it could not be domineering or overbearing".

Given the comments above and that the current proposal would be reduced in height and to single storey, the development is not considered to have an unacceptable adverse effect upon the amenities of the neighbours at No.20 Church Street.

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"The proposal provides for a small part of the site to be conveyed to No.29. giving more space outside the patio doors at the rear of the house. Boundary treatment and planting could ensure no harmful overlooking or overbearing impact from the proposed house. Reason for refusal no.5 is that the occupiers of No.28 would suffer noise and disturbance" "This appears not to have been a reason for refusal of the previous application, in which case it is unclear why it should apply to this once. The number of daily vehicle movements generally associated with a single dwelling is very small" "Any additional noise or disturbance would be insufficient on its own to warrant dismissal of the appeal".

Given the above comments, the proposal is considered acceptable in regard to the amenities of the neighbours at No.28 Church Street.

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

"No.28's garden lies between No.30 and the appeal site. Intervening vegetation makes it all but impossible to discern the site, or where the proposed house would be, from the ground floor or garden; indeed, it is difficult to gain a clear view from the first floor rear window. There would be no harm to the level of amenity enjoyed by the occupiers of No.30".

Given the above comments, the proposal is considered acceptable in regard to the

amenities of the neighbours at No.30 Church Street.

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

“The distance of the proposal from No.1 means that it would be too far away from the house itself to be at all dominant or overbearing” “There should be no harmful overlooking from the proposed house”. “There would be no harm to the level of amenity enjoyed by the occupiers of No.1 Frogge Street”.

Given the comments above and that the proposal would be reduced in height and to single storey, the development is not considered to have an unacceptable adverse effect upon the amenities of the neighbours at No.1 Frogge Street.

The Inspector made the following comments in relation to the previous application dismissed at appeal: -

“The extent of the visible roof would be very much greater than might appear from the drawing and would still be seriously harmful to the outlook of the occupiers, from both their house and their garden. It is not, as my colleague said in 2012, a question of the loss of a view; it is the intrusiveness of the expanse of roof so close to the boundary, even though it would be much less than previously, that remains unacceptable”.

The proposal has been reduced down in height and in scale to single storey level, in which it would be lower than the rear boundary wall of the neighbouring property at No.10 Butchers Hill. The proposed dwelling would therefore not be seen from the garden of No.10 Butchers Hill unless you are standing immediately adjacent to the boundary wall or at ground floor elevation windows. The development is therefore not considered to have an unacceptable adverse effect upon the amenities of the neighbours at No. 10 Butchers Hill, in regard to overbearing impact.

33. Developer Contributions

The South Cambridgeshire Recreation Study 2005 identified a shortage of play space within Ickleton. No public open space is shown within the development. The increase in demand for sport space as a result of the development requires a financial contribution of £3,104.38 (index linked) towards the improvement of existing open space in the village to comply with Policy SF/10 of the LDF. A section 106 legal agreement has been completed that secures this contribution.

The South Cambridgeshire Community Facilities Assessment 2009 states that Ickleton has an excellent level and standard of indoor community facilities. However, investment is required and due to the increase in the demand for the use of this space from the development, a financial contribution of £513.04 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. A section 106 legal agreement has been completed that secures this contribution.

South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide which outlines the basis for planning conditions and obligations. In accordance with the guide, developers are requested to provide for the household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling. A section 106 legal agreement has been completed that secures this contribution.

34. Conclusion

Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

35. Recommendation

It is recommended that the Planning Committee approves the application subject to the following conditions and informatives: -

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 10044-01, 14002-02, 14002-03, 14002-04, 14002-05, 14002-06 & Location Plan.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling 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.)
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. No development shall take place until details of the materials to be used for hard surfaced areas within the site have been submitted to and approved in writing by the Local Planning Authority the development shall be carried out in accordance with the approved details.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 2007 of the adopted Local Development Framework 2007 and in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework.)
6. No development shall take place until details of the method of surface water drainage for the driveway has been submitted to and approved in writing by the Local Planning Authority the development shall be carried out in accordance with the approved details.

(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework.)

7. The permanent space to be reserved on the site for the parking of two cars shall be provided before the development hereby permitted is occupied and thereafter maintained.

(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework.)

8. 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.)

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, C, D, and E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

(Reason – To safeguard the amenities of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

12. During the period of construction, no power operated machinery shall be operated on the site before 08.00 hours and after 18.00 hours on weekdays and before 08.00 hours and after 13.00 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

13. No development shall take until details of the method of excavation of the site and the method of construction for the dwelling and associated works, 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 protect the listed wall in accordance with Policy CH/3 of the adopted Local Development Framework 2007.)

14. No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation and timetable for investigation which has been submitted to and approved in the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason-To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)

Informatives

1. The site is subject to an agreement under section 106 of the Town and Country Planning Act 1990.
2. The driveway should be constructed from bound materials within 6 metres of the public highway in order to avoid the displacement of loose materials on to the public highway.
3. The access shall remain open at all times and not be obstructed.
4. Should pile driven foundations be proposed, then before works commence, a statement of the method of construction for these foundations shall be submitted and agreed by the Environmental Health Office so that noise and vibration can be controlled.
5. During construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Environmental Health Officer in accordance with best practice and existing waste management legislation.
6. See attached Environment Agency advice regarding soakways.
7. Public footpath No. 6, Ickleton runs along north eastern boundary of the site. The following points of law should be noted in relation to the public footpath: -
 - i) No alteration to the surface of the footpath is permitted without the consent of the Cambridgeshire County Council Rights of Way and Access Team (it is an offence to damage the surface of a public right of way under s.1 of the Criminal Damage Act 1971).
 - ii) The footpath must remain open and unobstructed at all times. Building materials must not be stored on it, and contractors' vehicles must not be parked on it (it is an offence under s. 137 of the Highway Act 1980 to obstruct a public right of way).
 - iii) Landowners are reminded it is their responsibility to maintain hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s. 154 of the Highways Act 1980.)
 - iv) The granting of planning permission does not entitle a developer to obstruct a public right of way (Circular 1/09 para. 7.1)

Background Papers

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/0167/13/FL, S/0167/13/FL, S/1725/11, S/2123/08/F, and S/0750/05/F

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