

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

2 July 2014

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

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<b>Application Number:</b>	S/0782/14/FL
<b>Parish(es):</b>	Fowlmere
<b>Proposal:</b>	New dwelling, access and part demolition of existing wall.
<b>Site address:</b>	Queens Head, Long Lane, Fowlmere
<b>Applicant(s):</b>	WDG Inns Ltd
<b>Recommendation:</b>	Delegated authority for officers to approve subject to completion of a S106 legal agreement securing contributions towards public open space, community facilities, waste receptacles and monitoring and legal fees.
<b>Key material considerations:</b>	Principle of development; Character and Appearance including Heritage Assets; Residential Amenity; Highway Safety, Trees and Other Considerations
<b>Committee Site Visit:</b>	Yes
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Andrew Fillmore
<b>Application brought to Committee because:</b>	The officer recommendation is contrary to the views of the Parish Council
<b>Date by which decision due:</b>	11 June 2014

### Planning History

1. None.

### Planning Policies

2. *National*

National Planning Policy Framework

3. *South Cambridgeshire LDF Core Strategy DPD, 2007*

## ST/6 Group Villages

### 4. *Adopted Local Development Framework, Development Control Policies*

DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/7 Development Frameworks  
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  
TR/2 - Car and Cycle Parking Standards  
SF/1 Protection of village services and facilities  
CH/4 Development within the curtilage or setting of a Listed Building

### 5. *Draft Local Plan*

S/5 Provision of new jobs and homes  
S/10 Group Villages  
HQ/1 Design Principles  
H/11 Residential Space Standards for Market Housing  
TI/2 Planning for Sustainable Transport  
TI/3 Parking Provision

### 6. *Supplementary Planning Document(s)*

District Design Guide SPD – adopted 2010  
Development Affecting Conservation Areas SPD – adopted 2009  
Listed Buildings: Works to or affecting the setting of SPD – adopted 2009

## **Consultations**

7. **Fowlmere Parish Council** – Recommend refusal. The Parish Council is not opposed in principle to an application for a dwelling on this plot however the Parish Council cannot support this application in its current form. A lower roof line and less oppressive bulk would be crucial. There are concerns about the entrance being on a blind corner and being very near a school. There are very sparse details on the materials to be used. Furthermore, the proximity to the neighbouring property Archways, to the west is excessive and concerning.
8. **Local Highways Authority** – Recommend approval subject to conditions requiring two 2m x 2m visibility pedestrian splays, driveway construction details and a construction traffic management plan. An informative is recommended reminding the developer that the grant of planning permission does not constitute a permission to do works to the public highway, which requires a separate permission.
9. **Conservation Officer** – Whilst the new dwelling is in the curtilage of the Listed Queens Head, its position on the site fronting The Butts results in it having a stronger relationship with the group of properties in The Butts and Butts Lane. The predominant architectural styles of the surrounding properties are traditional brick render and tile and the development clearly takes its lead from these. Given the proposals distance from the host there is no reason for thatch to be insisted upon as its roof material. In the

absence of a level survey or a section through the dwelling relating to its floor level to that of the adjoining property this should be requested by condition.

10. **Tree Officer** – No objection to the removal of the central tree. If any tree is to be lost it should be the central tree (the one proposed for removal). The central tree is the poorer of the three specimens and its removal will allow the two remaining trees to grow into natural form. The tree protection plan should provide adequate protection for the retained trees.

### **Representations**

11. Four letters of representation have been received from neighbouring residents
12. The occupier of no. 5 Stanley Barns expresses concern of overlooking from the bedroom window into their dining room and garden, loss of light and the danger to school children from the new access. Additionally they state they were advised they could have nothing higher than their roof height given the site is within a Conservation Area.
13. The occupier of no. 2 Butts View raises concerns over the development exacerbating the current traffic and pedestrian problems, and queries whether the driveway should be wider and located further back from the junction with Butts Lane. Questions are raised over the control of traffic on a narrow lane during construction with this road serving the school and a number of properties.
14. The occupiers of no.1 Butts Lane do not oppose the principle of building a dwelling on the site but question the height of the floor levels, type of brick to be used to repair the boundary wall, and express concern over an increase in traffic given the close proximity of two entrances in a short space.
15. The fourth letter from the adjoining dwelling (Archways) to the west expresses concern over loss of light to their east facing windows, loss of privacy resulting from both bathroom windows facing each other and the front windows overlooking the roof garden and court yard, ground levels have been altered with the result that the building is higher than it should be. Recommend the ground floor levels be lowered by 3 feet and the building set a minimum of 7 feet apart.

### **Planning Comments**

16. The application site comprises land associated with and located to the rear of the Queens Head Public House. The site is separated from the Public House building by a car park.
17. The site levels were raised by the previous owners without planning consent, with the land notably higher than the adjoining road. Following a change in ownership the outside space serving the Queens Head has been rationalised with a small formal beer garden provided to the rear of the car park.
18. The application proposal seeks full planning consent for the erection of a 1½ storey four bed dwelling fronting Butts Lane along with the provision of new vehicular access. The dwelling is to measure 12.3m wide with a height to ridge of 7.5m, with the walls rendered and the chimney and plinth of brick construction and a clay plain tile roof.

19. The site lies within the village framework as defined by the Local Development Framework (LDF) inset map for Fowlmere, along with a Conservation Area. The Queens Head Public House is Grade 2 listed.

#### **The principle of development on this site**

20. The NPPF advises that every effort should be made to identify and then meet the housing needs of an area, and respond positively to wider opportunities for growth. Additionally the Development Plan (Core Strategy Development Plan Document adopted January 2007 and Development Control Policies Development Plan adopted January 2007) identifies Fowlmere as a 'Group Village' where the construction of new residential dwellings within the framework is supported.
21. Adopted policy SF/1 relates to the Protection of Village Services and Facilities and advises planning permission will be refused for proposals which would result in the loss of a village service such as a Public House. This development will permanently reduce the amount of outside space associated with the Public House. Whilst this prevents the ability of the Public House business from expanding its operation, the pub would continue to benefit from an appropriate level of outside amenity space and as such the development is not considered to undermine the viability of this business.
22. The principle of development is therefore accepted subject to taking into account other land use considerations.

#### **Character and Appearance including Heritage Assets**

23. Section 7 of the NPPF relates to 'good design' advising great weight should be afforded to the importance of design of the built environment with planning decisions required to respond to local character and reflect the identity of local surroundings. Paragraph 58 states that development should 'respond to local character and history, and reflect the identity of local surroundings', with paragraph 60 encouraging development to 'promote or reinforce local distinctiveness'. Section 12 relates to conserving and enhancing the historic environment where paragraph 131 advises that in determining planning applications local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.
24. The site is located within Fowlmere Conservation Area where new development is required to preserve or enhance the character and appearance of the built environment. Additionally the site lies within the curtilage of the Grade 2 Listed Public House.
25. The dwelling is to face south with access provided off Butts Lane where the predominant architectural styles of surrounding properties, notably excluding the adjacent property 'Archways', is of traditional brick render and tile and to which the proposed development conforms. Furthermore the buildings 1½ storey height and position set back from the road ensures the dwelling is not dominant within the street scene.
26. The site levels have been raised without consent and vary between 23.78m and 24.3m AOD, with the adjoining road rising from 22.8m to 23.18m AOD. The applicant is proposing to lower the internal finished ground floor level to 23.7m AOD, which ensures the building will not be unduly prominent. It is necessary to control this through condition.
27. The development includes constructing a new boundary treatment (1.8m high brick wall) to separate the site from the adjoining Public House along with alterations/repairs

to the roadside boundary. Limited details are provided of these walls and it is necessary to control this through condition.

28. Given the degree of separation from the listed Public House and orientation of the dwelling facing south no material harm is identified to the setting of this designated heritage asset.
29. Subject to securing details of the finished ground floor level and samples of materials for the dwelling and boundary treatment no material harm arises to the built environment.

### **Residential Amenity**

30. Policy DP/3 requires amongst other things that planning permission will not be granted where the proposal would have an unacceptable impact on residential amenity.
31. The site is adjoined by a dwelling (Archways) to the west with further residential properties to the north fronting a cul-de-sac off Long Lane and to the opposite side of Butts Lane (south). The proposed dwelling does not contain any first floor windows to its northern elevation, with two bedroom windows facing east and offering oblique views of the adjoining properties fronting Long Lane. The single bathroom window at first floor to the west elevation faces the bathroom window of 'Archways', and a condition requiring this window be obscure glazed is necessary. The occupiers of the adjoining property (Archways) to the west expresses concern over a loss of privacy to their courtyard and roof garden from the dormer windows to the front elevation. These three windows serve two bedrooms and a landing, and will offer oblique views of the neighbouring property. As such no material harm is identified through loss of privacy.
32. The east elevation of the adjoining property (Archways) is located hard on the boundary and is served by an obscure glazed bathroom window in addition to a larger window. During both visits to the site by the planning officer this non-obscure glazed window was fronted by a book case, restricting natural light entering the property. The proposed dwelling would be set in from the boundary by 1m and would permanently reduce the amount of sunlight entering Archways resulting in a loss of amenity. Given natural light entering Archways is already restricted by the book case and taking into account the neighbours property has clearly been designed to face west no material harm is identified.

### **Highway Safety**

33. A single new point of access is proposed off Butts Lane, with the local highways authority not raising concerns and recommending conditions relating to the provision of a traffic management plan, visibility splays, and driveway construction.
34. Butts Lane is used to access the local school and it is considered necessary to condition a traffic management plan to prevent conflict between construction traffic and movements associated with the school.

### **Trees**

35. Three mature trees are positioned behind the brick wall forming the southern boundary of the site. The central tree is proposed to be removed to provide the new access, with the trees to either side retained and protected during construction.

36. The tree officer does not object to the loss of this tree advising this is the poorer of the three trees and its removal will allow the remaining trees to grow into natural form. Whilst the loss of a mature tree is regrettable this will not materially harm the quality of the built environment, as the trees to either side are to remain.

### **Other Considerations**

37. The applicant is prepared to pay the councils contributions in respect of open space provision, community facilities, waste receptacles and legal fees, with these to be secured through a S106 legal agreement.
38. No specific concerns are raised with regards to Crime and Disorder.

### **Conclusions**

39. It is considered that the development can be adequately accommodated on the site in harmony with the surrounding area without causing undue harm to neighbouring amenity in terms of over shadowing or loss of privacy. The Highways Authority is satisfied that the provision of a new access is suitable subject to conditions.
40. The proposal therefore complies with the provisions of the development plan and national planning policies contained within the NPPF and as such it is recommended that permission be granted for officers to approve the scheme subject to the completion of a S106 legal agreement securing contributions towards open space, community facilities, waste receptacles and monitoring and legal fees, and the conditions outlined below.

### **Recommendation**

41. Delegated authority for officers to approve subject to completion of a S106 legal agreement securing contributions towards public open space, community facilities, waste receptacles and monitoring and legal fees, subject to the following 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: Titled 'Street Scene and Layout' Drawing number '13059-02 Rev A Revised after per-app' and 'Floor Plans and Elevations' Drawing number '13059-01'  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
  3. Apart from any top hung vent, the proposed first floor window in the western side elevation of the dwelling hereby permitted, shall be fitted and permanently glazed with obscure glass.  
(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
  4. The finished ground floor level of the dwelling hereby permitted shall not exceed 23.7m AOD.

(Reason - In the interest of the amenity of the locality in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan (elevations) of the boundary treatment, samples of the materials to be used in the construction of the eastern boundary wall and details of how the southern boundary wall is to be repaired.

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.)

6. No development shall take place until details of the materials to be used in the construction of the external surfaces of the building 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.)

7. The development shall be carried out in full accordance with the tree protection measures as identified on the drawing titled 'Streetscene and layout' Drawing number '13059-02 Rev A' and document titled 'Barriers and ground protection'.

(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. Prior to commencement of development a construction traffic management plan shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved plan.

(Reason: In the interests of highway safety)

9. The access drive shall be constructed from a bound material and so that its falls and levels are such that no surface water from the site shall drain across or onto the adopted public highway.

(Reason: For the safe and effective operation of the public highway)

10. Prior to the first occupation of the development hereby permitted two 2m x 2m pedestrian visibility splays shall be provided and kept clear of obstruction above a height exceeding 600mm.

(Reason: In the interests of highway safety).

## **Background Papers**

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework

- <https://www.gov.uk/government/publications/national-planning-policy-framework--2>  
Local Development Framework, Development Control Policies, Adopted July 2007  
<http://www.scambs.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013  
<http://www.scambs.gov.uk/localplan>

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