

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

11 January 2017

**AUTHOR/S:** Head of Development Management

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**Application Number:** S/2593/16/OL

**Parish:** Weston Colville

**Proposal:** Outline Planning Application for demolition of garages and erection of a single dwelling

**Site address:** Garage site North of 14 Horseshoes Lane, Weston Colville

**Applicant:** South Cambridgeshire District Council (SCDC)

**Recommendation:** Approval

**Key material considerations:** Principle  
Impact on visual amenity and setting of listed building  
Parking and highway safety  
Public footpath  
Residential amenity  
Trees and Ecology  
Flood risk and drainage

**Committee Site Visit:** 10 January 2017

**Departure Application:** No

**Presenting Officer:** Dan Smith, Case Officer

**Application brought to Committee because:** Application made by SCDC and has received objection from the Parish Council

**Date by which decision due:** 13 January 2017

### Executive Summary

1. The application, made by SCDC, seeks outline permission for a single dwelling on a Council owned site previously occupied by 7 garages within the Development Framework of the village. The primary constraints on the site are the trees around the boundary of the site, the presence of a public right of way across the site, the neighbouring dwelling to the South West and the location of a listed building opposite the site. District and County Council consultees are supportive of the application, however the Parish Council has objected to the proposed development. The principle of a single market dwelling on the site is considered to be acceptable, subject to the application of conditions and the approval of layout, detailed design and landscaping which would be determined at reserved matters stage. The recommendation is

therefore that outline permission be granted, subject to conditions.

### **Planning History**

2. SC/1282/72/F – Planning permission granted for the erection of seven garages.

### **Planning Policies**

3. *National Planning Policy Framework (NPPF)*  
*National Planning Policy Guidance (NPPG)*
4. *Local Development Framework Core Strategy 2007*  
ST/2 Housing Provision  
ST/7 Infill Villages
5. *Local Development Framework Development Control Policies 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/9 Water and Drainage Infrastructure  
NE/11 Flood Risk  
CH/4 Development within the Curtilage or Setting of a Listed Building  
TR/2 Car and Cycle Parking Standards
6. *Local Development Framework Supplementary Planning Documents (SPD):*  
District Design Guide SPD – adopted March 2010  
Trees & Development Sites – adopted 15 January 2009  
Biodiversity – adopted 2 July 2009
7. *Draft Local Plan*  
S/2 Objectives of the Local Plan  
S/3 Presumption in Favour of Sustainable Development  
S/7 Development Frameworks  
S/11 Infill Villages  
CC/1 Mitigation and Adaption to Climate Change  
CC/8 Sustainable Drainage Systems  
CC/9 Managing Flood Risk  
HQ/1 Design Principles  
NH/14 Heritage Assets  
H/7 Housing Density  
H/11 Residential Space Standards for Market Housing  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision  
TI/8 Infrastructure and New Developments

### **Consultation**

8. **Weston Colville Parish Council** – objects to the proposed development on the grounds of susceptibility to flooding and flood risk and because the dwelling is not proposed to be an affordable dwelling.

9. **Local Highways Authority** – does not object to the proposed development. It requests conditions relating to the provision of pedestrian visibility splays and the surfacing and drainage of the driveway.
10. **Trees Officer** – does not object to the proposed development. Tree Preservation Orders are due to be served on three trees to the front of the site but which are not within the application boundary. He requests conditions requiring the submission of an updated arboricultural impact assessment prior to development and the implementation of an approved tree protection strategy during construction.
11. **Ecology Officer** – does not object to the proposed development. She notes that the adjacent ditch is an important ecological feature that should be protected during works and that the ash tree to the north-east has moderate potential for bat roosting. She states that tree protection will ensure that both the tree and the ditch are protected. She requests a condition be applied to ensure works are carried out in accordance with the submitted ecological appraisal and that a scheme of ecological enhancement including habitat for bird nesting and bat roosting be implemented.
12. **Scientific Officer (Contaminated Land)** – notes the potential for the previous use of the site as garaging to have resulted in some ground contamination, so requests a standard condition requiring investigation and, where necessary, remediation of the ground.
13. **Environmental Health Officer** – does not object to the proposed development and requests conditions relating to construction practices.
14. **County Footpaths Officer** – initially raised concern regarding the inaccuracy of the existing public footpath shown on the drawings and the inadequate width proposed for the diverted footpath. He has since been consulted on the amended drawings and is now content that the application is acceptable in terms of its provision for a revised line of the public footpath, however such a diversion would need to be the subject of a formal application to divert the public right of way. He requests a condition relating to the submission of an access scheme for the diversion, design, surfacing, width and landscaping of the public right of way.

### **Representations**

15. Concern was expressed by one resident regarding an increase in traffic on the lane and additional on street parking leading to congestion and difficulty accessing land and property including with agricultural vehicles.

### **Planning Assessment**

16. The application site is located at the North Eastern end of Horseshoes Lane and has an existing vehicle access off the lane. The front and Eastern side boundaries of the site are well treed and the Eastern side boundary is also the boundary of the Development Framework within which the site sits. The boundary between the site and No. 14, a semi-detached dwelling, is enclosed by hedging and fencing. Until recently two garage blocks occupied the site, however these have been removed and at the time of the Planning Officer's site visit only the foundation slabs remained. A public right of way runs up from the South behind existing houses on Horseshoes Lane and across the site. Three Horseshoes Farmhouse which sits opposite the site to the North is a grade II listed building.

17. The application seeks outline permission with all matters reserved for the erection of a single dwelling on the site.
18. **Principle** – The site is located within the Development Framework of the village of Weston Colville. Policy ST/7 of the Core Strategy identifies the village as an Infill Village, where development and redevelopment up to an indicative maximum scheme size of 2 dwellings will be permitted within the village framework.
19. Policy HG/1 of the Development Control Policies document relates to Housing Density. The policy requires housing development in more sustainable locations to provide net densities of 30 dwellings per hectare unless there are exceptional circumstances that require a different treatment. The proposed site measures approximately 430 square metres in area, on this basis the scheme would represent a net density of 23 dwellings per hectare. However, the constrained nature of the site due to its shape and the presence of trees and the public right of way, means the site would be unsuitable for more than a single dwelling and this is considered to be an exceptional circumstance justifying the lower.
20. For the above reasons the principle of a single dwelling on the proposed site is considered to be acceptable, subject to the material planning considerations discussed below.
21. **Impact on visual amenity and setting of listed building** – The proposed site has been previously developed for garaging and it is considered that the redevelopment of the site for a single dwelling would be in character with the previous use and with the character of Horseshoes Lane with its linear development on the Eastern side. The site is well screened by existing trees which would be protected from the impact of the development and would continue to soften the site within the streetscene and wider views.
22. Section 66(1) of the Listed Buildings and Conservation Areas Act 1990 states: “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
23. The site is opposite the grade II listed dwelling to the North, however it is considered that an appropriate design could be achieved for the dwelling which would result in an acceptable impact on the setting of that designated heritage asset. Subject to appropriate scale, appearance and layout which would be determined as reserved matters, the principle of a dwelling on site is considered to be acceptable in terms of the visual amenity of the area and the setting of the nearby listed building and therefore accords with policies DP/2, DP/3 and CH/4.
24. **Parking and highway safety** – The impact of the loss of garage site on parking provision in the area has been considered. The application states that many of the garages (which have since been demolished) were unused and the impact on parking provision in the area is therefore considered to be limited. Several houses in the immediate area have driveway parking and for those that do not, parking is possible outside dwellings on Horseshoes Lane itself. These arrangements are considered to be acceptable provision of parking for dwellings in the area and this is supported by the low use of the garages previously on site. The impact of the loss of the garages on parking provision in the local area is therefore considered to be acceptable.

25. The proposed development would make use of the existing access which has provided vehicle access to the seven garages which previously occupied the site. It is not considered that the use of the access for a single dwelling would significantly intensify the vehicle movements in the area and off street parking would be provided for two domestic vehicles, meaning that additional on street parking would be limited and would not result in any significant additional parking problems on the street. Due to the lack of any turning facilities provided on site, vehicles would have to reverse out of the driveway, but due to the quiet, end of street location, it is not considered that this would result in any harm to highway safety. Subject to conditions relating to the provision of pedestrian visibility splays and the surfacing and drainage of the driveway the principle of a dwelling on site is considered to be acceptable in terms of its impact on parking and highway safety and therefore accords with policy DP/3.
26. **Public footpath** – The existing public footpath currently runs on a different route on the ground to that shown on the legal records. The proposed development would result in its route changing again to run relatively tight to the boundary with No. 14. The application drawings have been revised to show an increased width to the side of the proposed footpath which was requested by the County Footpaths Officer and with which he is now content. The proposed development would therefore appear able to provide adequate on going public access to the public right of way, however prior to any development which would obstruct the footpath on its current route, an application for a diversion of the public right of way would need to be made and approved. The proposed development is therefore considered to be acceptable in terms of the public right of way.
27. **Residential amenity** – The proposed dwelling would be relatively well separated from the existing dwelling at No. 14 and would be located to the North East of the neighbour. While the scale, design and layout would be reserved for future consideration, it is considered that a dwelling could be designed which would have an acceptable impact on the residential amenity of the neighbouring property. The principle of a dwelling on site is therefore considered to be acceptable in terms of its impact on residential amenity and the application therefore accords with policy DP/3.
28. **Trees** – The site contains several trees along its Eastern boundary a hedge along the boundary with No. 14 and mature trees on land to the front of the site which currently overhang the application site. During the course of the application, the Council's Trees Officer has identified the three trees on the land to the front of the site as being at risk from potential development and is in the process of serving a Tree Preservation Order in order to provide statutory protection. An informative would be added to any permission granted drawing attention to the likely TPO. While the indicative location for the dwelling on the submitted plans shows it slightly within the root protection zones of two of the trees, it is considered that a single dwelling could be accommodated on site without requiring the loss of significant trees or harm to their roots. The layout and scale of the dwelling would be considered as part of any future reserved matters application. On that basis the principle of a dwelling on site is considered to be acceptable in terms of its impact on trees.
29. **Ecology** – The trees provide potential habitat for birds and bats and the adjacent ditch is an important ecological feature. The application is supported by an ecological survey and the Council Ecologist is content that the of tree protection measures during construction would protect both the trees and the ditch, including a 5 metre buffer. On the basis that the work is carried out in accordance with the submitted Ecology Appraisal and that bird nesting and bat roosting opportunities are enhanced, both of which could be controlled by condition, the principle of a dwelling on site is

considered to be acceptable in terms of its impact on ecology and the application therefore accords with policy NE/6.

30. **Flood risk and drainage** – The site is not within Floodzone 2 or 3. It is set at a higher level than the street and has a drainage ditch running to the Eastern side. The site is located within a 1 in 1000 year surface water drainage event, but there is therefore not considered to be a significant level of flood risk to the residential development of the site. Given the existing slab foundations on the site, the dwelling would not occupy a significantly larger area than is currently impermeable and it is considered that the additional impact of the dwelling in terms of surface water runoff would be very limited. Nonetheless, given the precise scale and layout of the dwelling are not known at this stage, it is considered necessary to apply a condition requiring a surface water drainage scheme to be submitted to and approved in writing by the Local Planning Authority. On that basis, the principle of a dwelling on site is considered to be acceptable in terms of flood risk and surface water drainage and accords with policies NE/9 and NE/11.

### **Recommendation**

31. Officers recommend that the Committee grants planning permission, subject to the following:

### **Conditions**

- (a) Approval of the details of the layout of the site, the scale and appearance of buildings, the means of access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline only.)
- (b) 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.)
- (c) 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.)
- (d) Prior to the commencement of any development, site preparation or delivery of materials to the site, an updated arboricultural impact assessment and tree protection strategy which accords with British Standard BS5837 shall be submitted to and approved in writing by the Local Planning Authority. The approved tree protection strategy, including tree protection measures, shall be fully implemented on site prior to the commencement of any development, site preparation or delivery of materials to site and remain in place until practical completion of the development.  
(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.)
- (e) No development shall take place until a scheme of ecological enhancement, including habitat for nesting birds and roosting bats, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of

local importance both in the course of development and in the future. The scheme 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.

(Reason - To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

- (f) All works shall be carried out in strict accordance with the recommendations detailed within section 7 (Table 7) of the Preliminary Ecological Appraisal - Greenwillow Associates February 2016. This shall include avoidance of and mitigation measures for birds, bats, hedgehogs and badgers. Should any amendments to the recommendations of that appraisal be required, these shall be submitted to and approved in writing prior to the commencement of development.  
(Reason - To protect ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
- (g) The proposed driveway shall be constructed using a bound material and so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (h) Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the:  
(a) highway boundary  
(b) back of the footway  
(c) edge of the carriageway  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (i) No construction site machinery or plant shall be operated and no construction related deliveries taken at or despatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.  
(Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- (j) Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.  
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- (k) 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 Verification 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 material 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)

- (l) Prior to the commencement of any development, a detailed scheme for the provision and implementation of surface water drainage, incorporating sustainable drainage system principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.

(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1, NE/9 and NE/11 of the adopted Local Development Framework 2007)

- (m) Prior to the commencement of development, a Public Rights of Way access scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include provision for the design of the Public Right of Way route and its surfacing, width, landscaping and structures and any proposals for diversion and/or closure of the Public Right of Way and the provision of alternative routes.

(Reason – The implementation of the proposed scheme would impact on accessibility of the current route of the Public Right of Way on the site and an access scheme for alterations to the Public Right of Way is therefore required in accordance with policies DP/2 and TR/4 of the adopted Local Development Framework 2007).

### **Informatives**

1. Public Footpath No. 15 Weston Colville must remain open and unobstructed at all times. Building materials must not be stored on Public Rights of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway).
2. No alteration to the Footpath's surface is permitted without the consent of the County Council (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
3. Landowners are reminded that it is their responsibility to maintain boundaries, including trees, hedges and fences adjacent to Public Rights of way, and that any transfer of land should account for any such boundaries (s154 Highways Act 1980).
4. The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
5. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the



construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service.

6. No burning of any waste or other materials on the site should be undertaken without the prior permission of the Environmental Health team of the District Council.
7. The granting of planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway. A separate permission for such works must be sought from the Local Highways Authority at Cambridgeshire County Council prior to that work being carried out.

**Background Papers:**

32. 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 (adopted January 2007)
  - South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
  - South Cambridgeshire Local Development Framework Supplementary Planning Documents
  - Planning files reference: SC/1282/72/F and S/2593/16/OL

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