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24 November 2015

To: Chairman – Councillor Lynda Harford
Vice-Chairman – Councillor David Bard
All Members of the Planning Committee - Councillors Brian Burling,
Anna Bradnam, Pippa Corney, Kevin Cuffley, Sebastian Kindersley, Des O'Brien,
Deborah Roberts, Tim Scott, Ben Shelton and Robert Turner

Quorum: 3

Dear Councillor

You are invited to attend the next meeting of **PLANNING COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 2 DECEMBER 2015 at 10.00 a.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution *in advance of* the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully
JEAN HUNTER
Chief Executive

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AGENDA

PAGES

PUBLIC SEATING AND SPEAKING

Public seating is available both in the Council Chamber (First Floor) and the Public Gallery / Balcony (Second Floor). Those not on the Committee but wishing to speak at the meeting should first read the Public Speaking Protocol (revised June 2015) attached to the electronic version of the agenda on the Council's website.

PROCEDURAL ITEMS

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- 2. Declarations of Interest** **1 - 2**
- 3. Minutes of Previous Meeting** **3 - 10**
To authorise the Chairman to sign the Minutes of the meeting held on 4 November 2015 as a correct record.

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OUR LONG-TERM VISION

South Cambridgeshire will continue to be the best place to live, work and study in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Working Together
- Integrity
- Dynamism
- Innovation

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

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Disturbance by Public

If a member of the public interrupts proceedings at a meeting, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The meeting will be suspended until order has been restored.

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EXCLUSION OF PRESS AND PUBLIC

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

Notes

- (1) Some development control matters in this Agenda where the periods of consultation and representation may not have quite expired are reported to Committee to save time in the decision making process. Decisions on these applications will only be made at the end of the consultation periods after taking into account all material representations made within the full consultation period. The final decisions may be delegated to the Corporate Manager (Planning and Sustainable Communities).
- (2) The Council considers every planning application on its merits and in the context of national, regional and local planning policy. As part of the Council's customer service standards, Councillors and officers aim to put customers first, deliver outstanding service and provide easy access to services and information. At all times, we will treat customers with respect and will be polite, patient and honest. The Council is also committed to treat everyone fairly and justly, and to promote equality. This applies to all residents and customers, planning applicants and those people against whom the Council is taking, or proposing to take, planning enforcement action. More details can be found on the Council's website under 'Council and Democracy'.

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Agenda Item 2

Planning Committee

Declarations of Interest

1. Disclosable pecuniary interests (“DPI”)

A DPI is where a committee member or his/her spouse or partner has any kind of beneficial interest in the land under consideration at the meeting.

2. Non-disclosable pecuniary interests

These are interests that are pecuniary involving a personal financial benefit or detriment but do not come within the definition of a DPI. An example would be where a member of their family/close friend (who is not their spouse or partner) has such an interest.

3. Non-pecuniary interests

Where the interest is not one which involves any personal financial benefit or detriment to the Councillor but arises out of a close connection with someone or some body /association. An example would be membership of a sports committee/ membership of another council which is involved in the matter under consideration.

I have the following interest(s) (* delete where inapplicable) as follows:

Agenda no.	Application Ref.	Village	Interest type	Nature of Interest
	S/		1* 2* 3*	
	S/		1* 2* 3*	
	S/		1* 2* 3*	

Address/ Location of land where applicable

Signature:

Name Date

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Agenda Item 3

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee held on
Wednesday, 4 November 2015 at 10.00 a.m.

PRESENT: Councillor Lynda Harford – Chairman
Councillor David Bard – Vice-Chairman

Councillors: Brian Burling Anna Bradnam
Kevin Cuffley Sebastian Kindersley
Charles Nightingale Deborah Roberts
(substitute)
Tim Scott Ben Shelton
Robert Turner

Officers in attendance for all or part of the meeting:

Julie Ayre (Planning Team Leader (East)), Gary Duthie (Senior Lawyer), John Koch (Planning Team Leader (West)), Karen Pell-Coggins (Principal Planning Officer), Tony Pierce (Interim Development Control Manager), Ian Senior (Democratic Services Officer), Paul Sexton (Principal Planning Officer (West)), Charles Swain (Principal Planning Enforcement Officer), David Thompson (Principal Planning Officer), Rebecca Ward (Senior Planning Officer) and Andrew Winter (Senior Planning Officer)

Councillor Bridget Smith was in attendance, by invitation.

1. APOLOGIES

Councillors Des O'Brien and Pippa Corney sent Apologies for Absence. Councillor Charles Nightingale substituted for Councillor O'Brien.

2. DECLARATIONS OF INTEREST

An interest was declared as follows:

Councillor David Bard	Non-pecuniary interest in respect of Minute 5 (S/1515/15/OL) in Sawston as having discussed the application with Sawston Parish Council and the developers. Councillor Bard was considering the matter afresh.
Councillor Kevin Cuffley	Non-pecuniary interest in respect of Minute 5 (S/1515/15/OL) in Sawston as having discussed the application with Sawston Parish Council and the developers. Councillor Cuffley was considering the matter afresh.
Councillor Lynda Harford	Non-pecuniary interest in respect of Minute 8 (S/1497/15/OL) in Dry Drayton as the local Cambridgeshire County Councillor having attended various meetings and given technical advice only. Councillor Harford was considering the matter afresh.

Councillor Sebastian Kindersley

Non-pecuniary interest in respect of Minute 7 (S/1338/15/OL) in Gamlingay as having discussed the application with Gamlingay Parish Council and the developers. Councillor Kindersley was considering the matter afresh.

3. MINUTES OF PREVIOUS MEETING

The Committee authorised the Chairman to sign, as a correct record, the Minutes of the meeting held on 7 October 2015.

The Chairman had not yet signed the minutes of the meeting held on 2 September 2015 although given authority to do so. A significant drafting error had been identified, and corrected as follows:

S/1291/15/FL - Horseheath (The Stables, Haverhill Road)

Deleted

The Committee **approved** the application subject to the Conditions and Informative set out in the report from the Planning and New Communities Director, and an additional Condition removing Permitted Development Rights.

Replacement text

The Committee gave officers **delegated powers to approve** the application subject to the satisfactory completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing the immediate payment of financial contributions in respect of indoor community facilities and public open space, and the Conditions set out in the report from the Planning and New Communities Director, amended as follows

- (i) Within six months of the date of the decision, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(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.)
- (j) The soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out within six months of the date of the decision 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 of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree 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.)

4. PROPOSED DIVERSION OF PUBLIC FOOTPATH NO. 1 (PART) IN HAUXTON

The Asset Information Definitive Map Officer explained what the process was for making a Footpath Diversion Order in general. The developer would carry out informal consultation to help inform Cambridgeshire County Council about any likely objections. Once an Order had been made, Notices of such would be placed in local Newspapers and on site. This triggered a four-week consultation period, during which formal objections could be made.

Councillor Deborah Roberts expressed concern about the risk of flooding, and asked whether the County Council had considered alternative routes. In reply, the Asset Information Definitive Map Officer said that the Council could only consider the route applied for.

Councillor Janet Lockwood (local Member) addressed the meeting. She said that she was now satisfied that the correct process had been followed. The flood mitigation measures put in place would address the majority of flood events.

The Committee instructed officers to inform Cambridgeshire County Council that South Cambridgeshire District Council, as Order Making Authority,

1. **authorises** the County Council, as agent for the District Council, to make an Order diverting part of the Public Footpath No.1 Hauxton, as requested by the applicant; and
2. **requests** the County Council to inspect the final route, in its capacity as Local Highways Authority, and certify that route to be satisfactory before the Order comes into effect.

5. S/1515/15/OL - SAWSTON (MILL LANE)

Members visited the site on 3 November 2015.

Dr. Alan Whitworth (objector) and Peter McKeown (applicant's agent) addressed the meeting. Dr. Whitworth voiced objections on the basis of road safety, the access road and damage to protected trees, and flood risk. Mr McKeown summarised the application, outlining a number of key factors. With regard to the access road remaining private, it was explained that it was constructed from a material that the Local Highways Authority was reluctant to adopt. It was confirmed that, although discussions were ongoing with Registered Providers (of affordable rented housing), no such RP had yet been signed up.

Following discussion by Members, the Committee gave officers **delegated powers to approve** the Outline application (as amended) subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990, securing appropriate developer contributions that are compliant with Community Infrastructure Levy Regulations, the Conditions referred to in the report from the Planning and New Communities Director, and presentation, in due course, of the Reserved Matters application for determination by the Planning Committee.

6. S/1795/15/FL - LINTON (3 WHEATSHEAF WAY)

Enid Bald (Linton Parish Council) addressed the meeting. She welcomed the creation of small dwellings, which were much needed in the village.

The Committee **approved** the application subject to the Conditions and Informative set out

in the report from the Planning and New Communities Director.

7. S/1338/15/OL - GAMLINGAY (LAND SOUTH OF WEST ROAD)

Members visited the site on 3 November 2015.

Mr. McLeod (objector), Jake Nugent (applicant's agent), Councillor Sarah Groom (Gamlingay Parish Council) and Councillor Bridget Smith (a local Member) addressed the meeting. Mr. McLeod was principally concerned by the potential overbearing impact of the proposed development on land that had not been identified for housing in the Local Plan. Councillor Groom's concerns surround design, damage to the Conservation Area and setting of Listed Buildings, negative impact, increased traffic, increased maintenance burden on the Parish Council, and unsustainable nature of the proposal. Councillor Smith informed the Committee that Gamlingay was currently working on its Neighbourhood Plan, and said the residents' quality of life should be protected from speculative development.

Councillor Sebastian Kindersley (the other local Member and a member of the Planning Committee) voiced concerns about massing, bulk and the out-of-keeping nature of the proposal, traffic and adverse residential amenity.

Following further discussion, the Committee **refused** the application contrary to the recommendation in the report from the Planning and New Communities Director. Members agreed the reasons for refusal as being

1. The failure of the application either to preserve or enhance the adjacent Conservation Area and setting of the Listed Buildings in Mill Street;
2. The adverse impact on the residential amenity of occupiers of properties in Church Street, Cinques Road, Green Acres, Mill Street, West Road and Wootton Field; and
3. The adverse visual impact of the development on the surrounding area due to its elevation and visual dominance.

8. S/1497/15/OL - DRY DRAYTON (65 PETTITTS LANE)

Members visited the site on 3 November 2015.

Robert Burton (objector) and Matt Hare (applicant's agent) addressed the meeting. Mr. Burton described the proposal as unacceptable encroachment on the separation between Dry Drayton and Bar Hill.

Openness of the Green Belt was seen as a material consideration.

The Committee **approved** the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing Affordable Housing, and the Conditions referred to in the report from the Planning and New Communities Director.

9. S/1527/15/FL - GULDEN MORDEN (THREE TUNS, HIGH STREET) - WITHDRAWN FROM THE AGENDA

Members visited the site on 3 November 2015.

The Committee noted that this application had been **withdrawn** from the agenda.

10. S/1500/15/FL - BOURN (GILLS HILL FARM, GILLS HILL)

Members visited the site on 3 November 2015.

Mitchell Tredgett (applicant's agent) and Councillor Steve Jones (Bourn Parish Council) addressed the meeting. Mr Tredgett commended this "high quality" development as improving the appearance of a brownfield site. He pointed out the amount of affordable housing on offer amounted to 45%. Councillor Jones objected because, although the proportion of affordable housing was high, the number of bedrooms within the affordable element ought to be increased. He also regretted the fact that the affordable housing had not been "pepper potted" throughout the development, and that no financial contribution had been made towards the provision of a pedestrian crossing in the village. Nevertheless, Councillor Jones was grateful for the way in which the developer had engaged with the community.

Members discussed a number of issues, including the adequacy of affordable housing and the development's relationship with the rest of the village.

The Committee **approved** the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing a footway / cycleway, onsite affordable housing, the provision and management of a Local Area for Play, the Conditions and Informatives referred to in the report from the Planning and New Communities Director and additional Conditions relating to surface water drainage and details of the attenuation basin.

11. S/2088/15/FL - SWAVESEY (RYDERS FARM, MIDDLEWATCH)

The Committee gave officers **delegated powers to approve** the application subject to the prior completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 securing payment of a financial contribution towards off-site affordable housing, and the Condition referred to in the report from the Planning and New Communities Director.

12. S/1601/15/VC - GIRTON (20 GIRTON ROAD)

Emily Ceraudo (applicant) addressed the meeting.

The Committee **approved** the application subject to the Conditions referred to in the report from the Planning and New Communities Director.

13. S106A - WHITTLESFORD (NEWTON ROAD)

The Committee **considered** a report relating to the potential modification of a planning obligation linked to planning permission S/0761/14/FL for development at Newton Road, Whittlesford. This modification would incorporate, into the current Section 106 agreement, a 'Mortgagee in Possession' (MiP) clause, enabling the Registered Provider to borrow against the development so funding future schemes in its programme. Members were reminded that the planning application had been a departure from national and local policy requiring that affordable housing be provided on rural exception sites in perpetuity, and so must be made as an exception to policy, with details only being delegated to officers to resolve.

The Interim Development Control Manager drew Members' attention to paragraph 12 of the report from the Planning and New Communities Director.

The Committee

1. **approved** the request to vary the Legal Agreement made under Section 106 of the Town and Country Planning Act 1990 for application S/0761/14/FL at 22 Newton Road, Whittlesford so as to include a Mortgagee in Possession clause;
2. gave officers **delegated powers to agree** the detailed wording, subject to no significant objections being received from Whittlesford Parish Council or the local Member; and
3. **directed** that, in the event of mortgage default, South Cambridgeshire District Council should be given first option to purchase the property on no less favourable terms and valuation than is sufficient to defray the funder's exposure.

14. **CONSULTATION ON AMENDMENTS TO THE CURRENT SCHEME OF DELEGATED POWERS FOR PLANNING DECISIONS.**

The Planning Committee **considered** a report on draft amendments to the current scheme of delegation, which forms part of the Council's Constitution.

In response to concern that Parish Councils needed to see the revised wording before further progress was made, the Chairman reminded the Committee that it was being invited solely to respond to consultation. The Interim Development Control Manager added that the Committee's comments would help to inform the report to the Planning Portfolio Holder's meeting on 17 November 2015, and said he would draw Parish Councils' attention to the existence of that report.

Following discussion among Members, the Planning Committee **endorsed** the proposals in principle, subject to the alternative option set out in the report being shared with Parish Councils.

15. **CONSULTATION ON REVIEW OF CAMBRIDGE FRINGES JOINT DEVELOPMENT CONTROL COMMITTEE TERMS OF REFERENCE TO DETERMINE CITY DEAL INFRASTRUCTURE SCHEMES**

The Planning Committee considered a report on the proposal that the Terms of Reference of the Cambridge Fringes Joint Development Control Committee (JDCC) be amended to include the determination of City Deal Infrastructure Schemes.

The Planning Committee **supported** the principle of the proposed changes to the Cambridge Fringes Joint Development Control Committee Terms of Reference, subject to:

1. Consultation with Cambridge City Planning Committee;
2. Endorsement by Cambridgeshire County Council Constitution and Ethics Committee; and
3. Formal approval by the three Councils – Cambridge City Council, Cambridgeshire County Council and South Cambridgeshire District Council.

16. **ENFORCEMENT REPORT**

The Committee **received and noted** an Update on enforcement action.

17. APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION

The Committee **received and noted** a report on Appeals against planning decisions and enforcement action.

The Meeting ended at 1.23 p.m.

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Agenda Item 4

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 December 2015

AUTHOR/S: Planning and New Communities Director

Application Number:	S/1344/14/FL
Parish(es):	Great Eversden
Proposal:	Proposed development of 10 affordable dwellings
Site address:	Site known as OSP148, Church Street, Great Eversden
Applicant(s):	Accent Nene Ltd
Recommendation:	Members alter the resolution relating to the provision of off site sports provision and community facility financial contributions.
Key material considerations:	Community Infrastructure Levy (CIL) Regulations
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Andrew Fillmore, Principal Planner
Application brought to Committee because:	The application site is owned by South Cambridgeshire District Council, and to review considerations relating to planning obligations.
Date by which decision due:	9 October 2015

Planning History

1. S/1044/11 - 10 affordable dwellings. Approved by South Cambridgeshire District Council, after which the decision was subject to a successful application for 'judicial review' on grounds the Local Planning Authority failed in its duty to undertake a 'Screening Opinion' as required under the Environmental Impact Assessment Regulations. The decision was quashed and the application later withdrawn.

S/3202/88/F - 16 flats and garages. Refused, dismissed at appeal and by the Secretary of State. The Secretary of State concluded the need for the affordable houses did not outweigh the harm to the Green Belt and significant harm to the character and appearance of Great Eversden.

S/1174/81/O for residential development, S/1657/81/O for residential development, S/0735/86/O for local authority housing, and S/1205/86 for Council housing for the elderly were all withdrawn.

Planning Policies

2. *National Planning Policy Framework
Planning Practice Guidance*
3. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted
January 2007
ST/1 Green Belt
ST/2 Housing Provision
ST/7 Infill Villages*
4. *South Cambridgeshire LDF Development Control Policies, adopted July 2007
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Infrastructure and new development
DP/7 Development Frameworks
GB/1 Development within the Green Belt
GB/2 Mitigating the impact of development in the Green Belt
HG/1 Housing Density
HG/3 Affordable Housing
HG/5 Exceptions sites for affordable housing
SF/6 Public Art and New Development
SF/10 Outdoor Playspace, Informal Open Space and New Developments
SF/11 Open Space Standards
NE/1 Energy Efficiency
NE/3 Renewable Energy Technologies in New Development
NE/4 Landscape Character Areas
NE/6 Biodiversity
NE/7 Sites of Geological Importance
NE/9 Water and Drainage Infrastructure
NE/10 Foul Drainage – Alternative Drainage Systems
NE/11 Flood Risk
NE/12 Water Conservation
NE/14 Lighting Proposals
NE/15 Noise Pollution
NE/16 Emissions
CH/4 Development within the curtilage or setting of a Listed Building
SF/10 – Outdoor Play Space, 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
TR/3 Mitigating Travel Impact
TR/4 Non-motorised Transport*
5. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)
District Design Guide SPD – adopted 2010
Affordable Housing SPD – adopted March 2010
Listed Buildings: Works to or affecting the setting of SPD – Adopted July 2009*
6. *Draft Local Plan
S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in favour of sustainable development
S/4 Cambridge Green Belt*

S/5 Provision of jobs and homes
 S/7 Development Frameworks
 S/11 Infill villages
 CC/1 Mitigation and adaption to climate change
 CC/3 Renewable and low carbon energy in new development
 CC/4 Sustainable design and construction
 CC/6 Construction Methods
 CC/7 Water quality
 HQ/1 Design principles
 NH/2 Protecting and enhancing landscape character
 NH/4 Biodiversity
 MH/8 Mitigating the impact of development in and adjoining the Green Belt
 NH/14 Heritage Assets
 H/10 Rural exception sites for affordable housing

Consultation

7. Parish Council – (See Appendix A for full response) The Parish Council put forward suggestions for the following projects which might qualify for funds from the affordable homes development; Replacement pavilion at recreation ground £200 000 (approximate), Moveable goals £2837.60, Climbing boulder £4500.00, Hard surfacing of village hall car park £600 000, and Replacement sectional staging in village hall £6,500.00 (approximate).

Planning Appraisal

8. On 4 March 2015, the Planning Committee gave officers delegated powers to approve the application, contrary to the recommendation in the report from the Planning and New Communities Director. This was subject to safeguarding conditions, including a condition requiring low level lighting. Members agreed the reasons for approval were that the public benefits of providing affordable housing to meet a defined local need were sufficient to outweigh any harm to the permanent loss of open countryside and Green Belt, the landscape setting of the village, and the setting of surrounding listed buildings. The S106 legal agreement, which is necessary to ensure the houses remain as 'affordable dwellings' and secure any financial contributions, has not been completed and therefore the permission has not been issued.
9. The Council's Development Control Policies DPD adopted in 2007 requires that "All residential developments will be required to contribute towards Outdoor Playing Space (including children's play space and formal outdoor sports facilities) and Informal Open Space to meet the additional need generated by the development..."
10. It goes on to say that, where this is not provided onsite, an off-site financial contribution will be payable as set out in a later supplementary planning document. South Cambridgeshire District Council adopted the Open Space SPD in January 2009.
11. In January 2010 the Council also started securing off-site contributions towards indoor community space (again including from affordable dwellings as well as market).
12. On 6th April 2010 the Community Infrastructure Levy (CIL) Regulations were introduced. These state that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
 - (i) Necessary to make the development acceptable in planning terms;

- (ii) Directly related to the development; and
- (iii) Fairly and reasonably related in scale and kind to the development

13. The CIL Regulations also have the effect of restricting the use of pooled contributions. If there are agreements in place for more than five S106 contributions after April 2010 for a project or type of infrastructure, from April 2015 (or the date CIL is adopted if earlier), a Local Planning Authority is not be able to collect any more contributions for that purpose.
14. Although there have been 5 section 106 agreements signed across The Eversdens since April 2010, at least 1 of these is in relation to a planning permission that cannot be implemented (i.e. was subject of a planning appeal that was refused). Nevertheless there is nothing in the Regulations that says in this event the completed planning obligation no longer takes effect. As a result no financial contributions should be secured unless a specified project(s) exists.
15. In summary if planning permission had been issued on or prior to 5 April 2015 the Council would have been able to secure tariff style contributions but as the Decision Notice has not been issued, the section 106 agreement must now relate the contributions to a specific project(s).
16. Planning application for S/1344/14/FL - Great Eversden (Site known as OSP, 148 Church Street) was presented to planning committee on 4 March 2015 and was accompanied by an update report. Relevant extracts of this update report are provided below:
17. *On 28 November 2014, the Minister announced changes in the development thresholds for planning obligations. The statement provided that ‘Due to the disproportionate burden of developer contributions on small scale developers, for sites of 10 units or less, and which have a maximum combined gross floor space of 1000 square metres, affordable housing and tariff style contributions should not be sought.’ These changes were further explained in updates to the Planning Practice Guidance (PPG)”.*
18. *The updated PPG goes on to advise: ‘The restrictions on seeking planning obligations contributions do not apply to development on Rural Exception Sites’. As such, should the committee resolve to approve this application, it is officer recommendation that this be subject to the completion of a S106 agreement securing the council’s standard contributions (as per table below) towards community facilities, public open space and waste receptacles (£69.50 per dwelling) along with appropriate monitoring fee.*

<i>Number of bedrooms</i>	<i>Community facilities</i>	<i>Public open space*</i>
1	£284.08	£625.73
2	£371.00	£817.18
3	£513.04	£1130.04
4+	£703.84	£1550.31

** Figures take into account of onsite open space including Local Area of Play*

19. As the scheme is providing a policy compliant level of onsite open space (for informal open space and children’s play space) the ‘public open space’ figure is in relation to offsite sports only.
20. The Open space in new developments SPD says the public open space contribution

may be spent on:

- New grass pitches, artificial turf pitches, MUGAs, courts and greens and ancillary facilities;
 - Teenager play facilities such ball courts and facilities for wheeled sports
 - Improvements to pavilions/changing facilities where they are unable to meet demand, are of a poor standard, or do not meet safety standards;
 - Improvements to pitch quality including ground and surface drainage, fencing or safety surfacing necessary to enable the facility to meet any relevant adopted standards and at an acceptable level and frequency of use
21. The Recreation Study of 2013 states that The Everdens benefit from sufficient sports space against the open space standard. In terms of the indoor community space, the community facilities audit of 2009 showed that, against the adopted standard, there was sufficient indoor community space in the village and that Eversden Village Hall was considered of a 'good' quality.
22. The Parish Council have been approached and asked whether they consider there are any projects, relating to sports provision and community facilities, necessary to mitigate the impact of the development, and have put forward the following suggestions;
- Replacement pavilion at recreation ground £200,000
 - Moveable goals £2837.60
 - Climbing boulder £4500
 - Hard surfacing of village hall car park £600,000
 - Replacement sectional staging in village hall £6,500.
23. The Parish Council rationale for requesting these contributions is set out in Appendix A.
24. Officers are of the view none of these projects are necessary to make the development acceptable in planning terms, thus failing the CIL tests and as such resolution is sought from the planning committee to issue the permission without securing contributions towards off-site sports provision and community facilities.
25. A S106 legal agreement is still necessary to secure the houses as 'affordable' in perpetuity, along with a financial contribution of £10.17 per m² of adoptable on-site public open space towards the on-going maintenance of the site, £69.50 per dwelling for waste receptacles and a £1500 monitoring fee.
26. The previously approved requirement for safeguarding conditions including details of low-level lighting remain unaffected.

Recommendation

27. Officers recommend that members revise the existing resolution to grant consent and approve the application subject to:

Requirements under Section 106 of the Town and Country Planning Act 1990

28. Completion of a S106 legal agreement securing the houses as affordable in perpetuity, with the a sum of £10.17 per m² of adoptable on-site public open space, £69.50 per dwelling for waste receptacles and a £1500 monitoring fee, with no contributions towards off-site sports provision and community facilities.

Conditions

29. Conditions as previously approved

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 (adopted January 2007)
- South Cambridgeshire Local Plan 2004 (Delete as appropriate)
- Cambridgeshire and Peterborough Structure Plan 2003 (Delete as appropriate)
- Planning File Ref: (These documents need to be available for public inspection.)
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Report Author:

Andrew Fillmore
Telephone Number:

Principal Planning Officer
01954 713 180

Appendix A

GREAT AND LITTLE EVERSDEN PARISH COUNCIL

Clerk

Mrs K Easey
13 Silverdale Close
Coton
CAMBRIDGE
CB23 7GY
Tel: 01954 211095
eversden.clerk@yahoo.co.uk

Chairman

Mr Paul Tebbit
All correspondence to the Clerk



Mr Andrew Filmore SCDC Planning
(Ref. 106 Agreement OSP148)

4th November 2015

Dear Mr Filmore,

In response to your request our Community put forward some suggestions at our Parish Council meeting on 2nd November for projects that might qualify for funds from the affordable homes development.

Public Open Space;

Recreation Ground

(Note: The recreation ground is only a short footpath walk directly from the development site and its own new access path).

We hope eventually to have a Replacement Pavilion **Cost Estimate £200,000.**

The Committee have decided to look at the viability of replacing the existing building which requires expensive maintenance. This could be used as a venue for many village groups. Build Target 2020.

Moveable Goals £2837.60

The pitches are to be re-aligned (following the new position of the cricket squares) by about 10 metres. A pair of moveable goals will allow more flexibility in accommodating fixtures to the advantage of all age group users.

Outdoor Gym/recreation/fitness equipment

Climbing Boulder £4500.00

Various items of equipment are planned for user group 12-18 years and a multi surface play area. Planned are; a Climbing wall, Zip- wire, Bars, Beams, all adjacent to the popular youth shelter already purchased and in place. The total cost of all the facilities planned will be in the region of £120,000. Existing equipment (Roundabout, Swings, Slides,) will all eventually be re-

Chairman: Mr Paul Tebbit, Red House Farm, 44 High Street, Great Eversden, Cambridge, CB23 1HW

Appendix A

located to this new area. The committee already have two thirds funding through a large donation. This will create a fitness/play area for older children, teenagers and adults of 18years and older. A climbing boulder would be a useful immediate addition for us.

To summarise, any open space contribution towards the £7337.60 would be most welcome. A pair of moveable goals and a Climbing boulder could offer older children teenagers and adults in our community an opportunity to benefit from the development.

Community Facilities;

Village Hall The Eversdens Village Hall is just yards from the development and again accessed directly from the footpath proposed within the development.

The car park, (leased from SCDC) requires hard surfacing. **Estimated cost £60,000.00** SCDC permission would be sought.

Many user groups of the Village hall utilise or would like to use our stage. This is difficult and laborious to erect and when in its compact storage position uses valuable floor space. The committee have plans for new modular light-weight staging that can be easily used in different forms, erected easily and often, and stored easily at the back.

Users would include;

- Eversden Vital Spark theatre group for pre-school and primary age children. (Our present staging is also a little high for young children).
- Eversden Players Perform Pantomime each autumn, and occasional spring productions.
- Eversden Flower Club Demonstrations, Displays and visiting speakers often need a stage.
- Village Hall Committee Hold regular meetings, fundraisers, quizzes, dinners, charity events. They would like to be able to use the stage more often.
- Other Village potential users who have expressed an interest in a more useable lightweight stage include our two churches, which could from time to time use sections for public events.

Replacement sectional staging £6,500.00 approx for 14.5m sq. any contribution towards this spend would be welcome. Each section/unit is 0.75m square. (We might require up to 17m sq eventually).

Both the Recreation ground Committee and the Village Hall Committee are anxious that any contribution towards their projects from the development on Church Street will not put at risk the viability of the affordable homes development.

Chairman: Mr Paul Tebbit, Red House Farm, 44 High Street, Great Eversden, Cambridge, CB23 1HW

Appendix A

The Parish Council agree with both the Village Hall Committee and Recreation Ground Committee that the timely build of the much delayed OSP148 affordable homes is our Communities` priority.

The build delay has already we believe, lost us four valuable residents recently; two to Elsworth and two to a new shared equity home in Trumpington.

We need homes for local people so they can continue to contribute to our Community. However desirable any windfall cash benefit to our Community might be, Councillors feel it will prove detrimental in the long run if the additional cost puts the build project itself or quality of its provision at risk.

Bearing in mind the large area of trees, new footpath link and play space included and funded by the developers, the Parish Council was not expecting any financial benefit on top of the gain from the development itself.

Yours sincerely

A handwritten signature in blue ink that reads "K Easey". The signature is written in a cursive style with a large, stylized 'K'.

Mrs Karen Easey
Parish Clerk
On Behalf of Great and Little Eversden Parish Council

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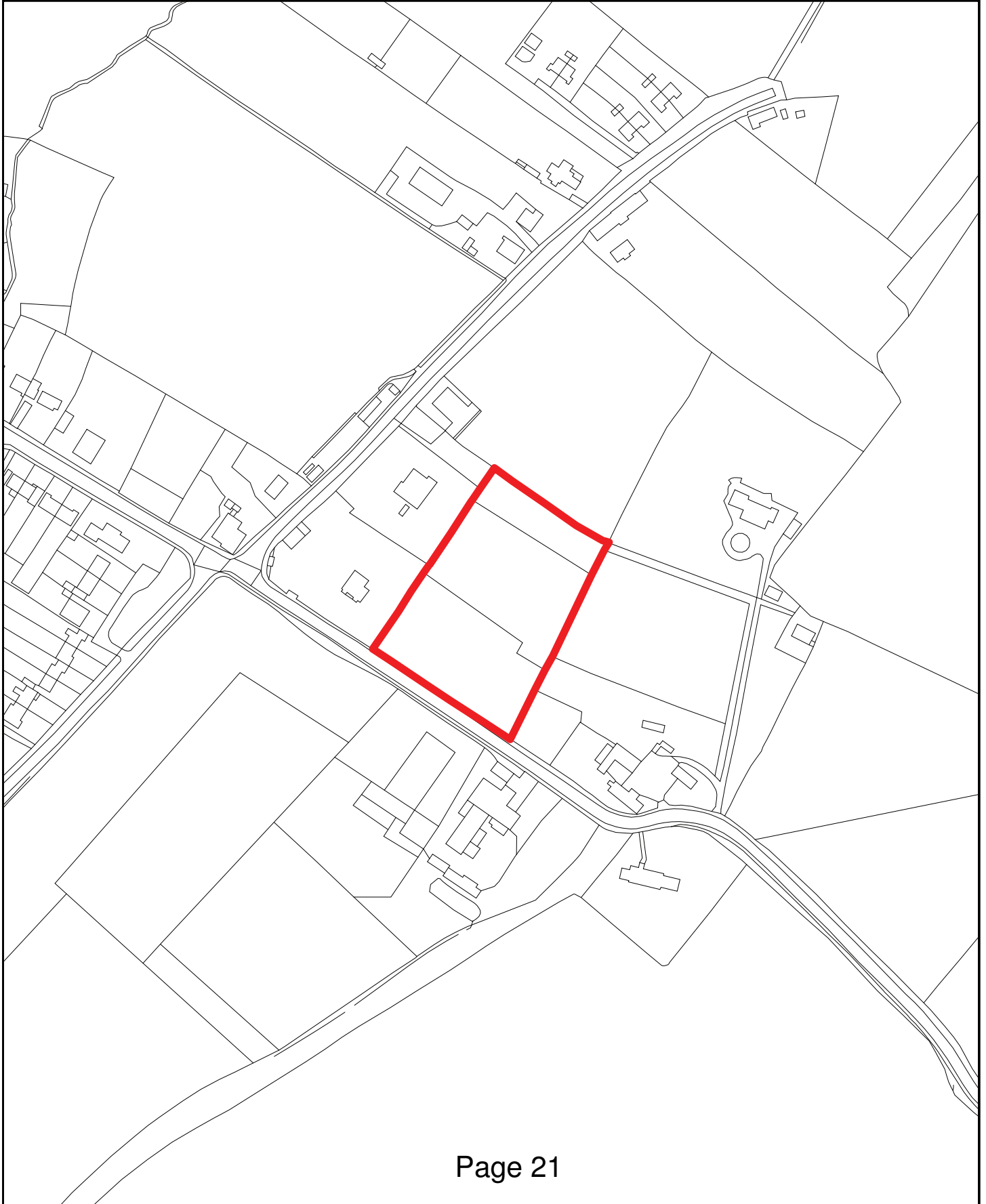
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Agenda Item 5

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 December 2015

AUTHOR/S: Planning and New Communities Director

Application Number:	S/1396/15/FL
Parish(es):	Whittlesford
Proposal:	Change of use from small agricultural holding to burial ground, demolition of existing structures and erection of new entrance hall and associated parking.
Site address:	Spinney Hill Farm, Newton Road, Whittlesford
Applicant(s):	Mr Adam Knight
Recommendation:	Members endorse the officer recommendation of refusal
Key material considerations:	Sustainability of the site, Green Belt and highway safety considerations.
Committee Site Visit:	1 December 2015
Departure Application:	No
Presenting Officer:	Andrew Fillmore, Principal Planner
Application brought to Committee because:	To clarify the Council's views on the application.
Date by which decision due:	9 October 2015

History

1. None relevant

Planning Policies

2. *National Planning Policy Framework
Planning Practice Guidance*
3. *Core Strategy
ST/1 Green Belt*
4. *Local Development Framework
DP/1 Sustainable Development
DP/2 Design of new development
DP/3 Development Criteria
GB/1 Development in the Green Belt
GB/2 Mitigating development in the Green Belt*

ET/7 Replacement of buildings in the countryside
NE/1 Energy efficiency
NE/6 Biodiversity
NE/8 Groundwater
NE/9 Water and drainage infrastructure
NE/14 Lighting proposals
NE/15 Noise pollution
CH/2 Archaeological sites
TR/1 Planning for more sustainable travel

Draft Local Plan
S/1 Vision
S/2 Objectives of the local plan
S/3 Presumption in favour of sustainable development
S/4 Cambridge Green Belt
CC/1 Mitigation and adaptation to climate change
CC/4 Sustainable design and construction
CC/8 Sustainable drainage systems
HG/1 Design principles
NH/2 Protecting and enhancing landscape character
NH/4 Biodiversity

Consultation

5. **Whittlesford Parish Council** – Recommend refusal. The Parish Council objects to this application.
 1. The proposed development would result in unacceptable incursion into the Cambridge Green Belt
 2. The proposed facilities for funerals are totally inadequate, the proposed remembrance hall should be able to accommodate at least 200 seated people; the car park should hold at least 140 car parking spaces. The west chapel at the Cambridge crematorium has approximately 200 seats and yet with many funerals people have to stand outside.
 3. Newton Road is totally unsuited as an access for such a development being extremely narrow and bendy and congested on both sides with parked cars associated with the neighbouring properties.
 4. There are no public transport facilities for people wishing to visit the burial ground (nearest bus route 1 mile away) so substantially all visits would be by car.
 5. The estimate by the developers that there would be only 2 burials per day is totally unrealistic, as such a rate of development would not be viable.
6. **South Cambridgeshire District Council (SCDC) Environmental Health (Contamination)** – The proposed end use is not particularly sensitive to contaminated land. Recommend an informative relating to the identification of contamination not previously identified.
7. **Environmental Health (Noise)** – Recommend conditions controlling hours of construction, that no waste is burnt on site and method statement should pile foundations be used. Informatives are required in respect of the need to obtain a Demolition Notice under Building Control Regulations.
8. **Cambridgeshire County Council (County Council) Highways Authority** – No objection. Recommend the following conditions; provision of visibility splays prior to first use, submission of a construction traffic management plan, access construction details, and car parking arrangements to be agreed.

9. **Highways England** – No objection.
10. **County Council Archaeology** – The site lies in an area of high archaeological potential, located to the immediate west of clay extraction pits. A designated moated site is located 750m to the east of the application area, with an undesignated moat located to the south east. To the south and west of the application area are Iron Age funerary monuments and a designated Roman Settlement. No objection subject to a condition requiring a programme of archaeological work undertaken in accordance with a written scheme.
11. **County Council Flood and Water Management** – The applicant has met the requirements of the NPPF and is acceptable. Infiltration is proposed to the ground, recommend a condition requiring soakage tests to demonstrate that infiltration is feasible for this site.
12. **SCDC Landscape** – Object. The change in landscape character is inevitable when undertaking any green field development and the removal of a landscape resource. Applicant has not undertaken any particular landscape mitigation or enhancement works to conserve or promote the landscape views. The Green Belt assists in creating a strong rural character to the village preserving the special landscape setting south of Cambridge. The Green Belt is also there to prevent coalescence between Whittlesford and Newton and safeguard the countryside from encroachment.
13. **SCDC Ecology** – No objection is raised on ecology grounds. The laying out of this proposed development presents opportunities for biodiversity enhancement of the current botanically poor grassland habitat that currently exists.
14. **Environment Agency** – No objection subject to conditions relating to; provision of a remediation strategy, surface and foul water disposal and a requirement that burials be a minimum of 50m from a potable ground water supply source, 30m from a water course or spring, 10m from any field drains and no burial in standing water with the base of the grave above the water table.

Representations

15. Whittlesford Society oppose to the application, endorsing the response from the Parish Council.
16. Five representations have been received from local residents objecting to the development for the following reasons; lack of parking and public transport, no pathway for visitors, no direct access from the motorway, increase in traffic congestion through the village, harm to the Green Belt, there is no need for the development and the traffic assessment undertaken is inaccurate.

Planning comments

Background

17. This application was received by the Local Planning Authority on 29 May 2015, with the statutory eight week determination date ending 29 July 2015, with this subsequently extended by the applicant to 9th October 2015 in order to provide further evidence relating to the suitability of the site. The application was not-determined by this date, and an appeal for 'non-determination' was made to the Planning Inspectorate after 5pm on 9th October 2015.

18. As an appeal has been lodged the Local Planning Authority is not able to determine the application, and Members views are sought on the position SCDC should adopt at appeal.
19. Should the committee resolve to endorse the officer recommendation of refusal, for the reasons set out below or amended/additional reason(s), officers will defend these at appeal. If the committee take the view the development is appropriate, officers will not defend the appeal and the Inspectorate will grant permission.
20. It should be noted the failure of the Local Planning Authority to reach a decision within the statutory time period will not weaken the authority's case at appeal. Furthermore there no cost implications relating to the failure to reach a decision within the designated time frames.

Site

21. Spinney Hill Farm comprises a triangular parcel of land extending to circa 4.6ha which is bound by the M11 motorway to the west and Newton Road to the north, from where a singular point of vehicular access is provided. The site is located circa 1000m from the village of Whittlesford.
22. A single dwelling house and associated outbuildings can be found to the north of the site, with the bulk of the land comprising an open grass field. The site is located outside of the framework boundary and within the Green Belt. A public footpath extends along the eastern edge of the site, adjacent a woodland.

Proposal

23. Full planning consent is sought for the change of use of the land to a burial ground and demolition of the existing buildings (dwelling and outbuildings) to be replaced by a remembrance hall and associated parking.

Appraisal

Principle of development

24. Paragraph 14 of the NPPF advises that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through planning decision making, and that this means where the development plan is absent, silent or out of date granting permission unless any adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole or conflict with specific policies within it.
25. Neither the adopted Development Control Policies DPD nor the emerging Local Plan contain any policies relating to burial grounds and therefore the provisions of the above paragraph apply.
26. Sustainable development is defined by the NPPF as comprising three dimensions; economic, social and environmental. The development will deliver an economic benefit through supporting a commercial venture. As addressed below there are no adverse implications in respect of ecology, ground water contamination or other environmental factors subject to the imposition of conditions. Turning to the social dimension, the NPPF defines this as '...creating a high quality built environment, with accessible local services that reflect the community's needs and support its health

and social and cultural well being'. Furthermore one of the core principles of the NPPF is to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling'.

27. The site is located in an isolated position circa 1000m from the village of Whittlesford (although there is linear residential development extending towards the site along Newton Road), in excess of 3km from the train station. Furthermore the site is not served by any bus provision and is not accessible by public footpath. Should permission be granted the burial ground would only be accessible by private car.
28. Given this isolated position and the essential need for all user groups, and particularly the elderly, to be able to access this facility (to attend funerals and visit graves) it is considered the proposal does not represent sustainable development as defined by the NPPF.
29. The application is accompanied by a 'needs survey' which concludes there is limited burial space left in the district and that given the proposed growth in the Local Plan this should be planned in advance. The LPA has no evidence to contradict this assessment of need, but it should be noted most of the growth proposed in the Local Plan is directed to 'New Communities' where new graveyards would provide for the need arising (eg. Northstowe phase 2 development). As such there is limited public benefit associated with this scheme.

Green Belt

30. The NPPF sets out the 5 purposes of the Green Belt as;
 1. Check the unrestricted sprawl of large built up areas;
 2. Prevent neighbouring towns merging into another;
 3. Assist in safeguarding the countryside from encroachment;
 4. Preserve the setting of special character of historic towns; and
 5. Assist urban regeneration
31. Inappropriate development is by definition harmful to the Green Belt and should only be approved in very exceptional circumstances, with one of these being the provision of appropriate facilities for cemeteries (as opposed to cemeteries per se) provided this preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
32. The plans accompanying the application indicate that new planting is proposed around the remembrance hall/car parking, which is to replace an existing dwelling and outbuildings. Subject to conditioning details of the planting no harm to the Green Belt is identified.

Landscape and Design

33. Views are offered into the site from Newton Road to the north and the public footpath running along the eastern edge. The application proposes a high density graveyard development which is partly broken up by 'remembrance gardens' and soil deposition mounds, and given the nature of the development is not considered to unacceptably intrude into the landscape character, subject to conditions securing additional planting (above that indicated on the plans) to the site perimeter and controlling the maximum height of the gravestones.
34. The scale, form and appearance of the memorial hall is appropriate to its use subject

to securing details of the external finish.

Transport safety

35. The site is served by an existing point of vehicular access which is proposed to be enhanced. Both the county council, as local highways authority, and Highways England do not raise any concerns. Conditions are recommended in respect of providing visibility splays, construction traffic management plan, access construction including width and securing adequate parking/turning facilities.

Ground Water Contamination

36. The Environment Agency advise the site is located in a very sensitive area underlain by the Holywell Nodular Chalk formation and is within the groundwater catchment for a drinking water supply. The chalk formation is a principal aquifer of high vulnerability to containment leaching through the soils and is part of the drinking water protected area, with the chalk outcrop considered to be a recharge area, with ground water levels responsive to rainfall and infiltration rates. The nearest surface water features are drains located east of the site at approximately 25m and 170m respectively. Subject to conditioning the provision of a remediation strategy, surface and foul water disposal arrangements and requirements relating to the location and depth of the graves no harm is identified.

Other considerations

37. Concerns relating to archaeology, contamination, noise, surface water drainage and ecology can all be addressed through imposition of suitable conditions.

Recommendation

38. That Members endorse officers reason for refusal of the development:
39. Given the sites isolated location, lack of access by public transport provision and nature of use of the burial ground (vital facility which is likely to be used mostly by the elderly) the proposal results in unsustainable development contrary to the requirements of the NPPF. It is considered this harm significantly and demonstrably outweighs the benefits of providing graveyard capacity.

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 (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: (These documents need to be available for public inspection.)
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Report Author:

Andrew Fillmore
Telephone Number:

Principal Planner
01954713180



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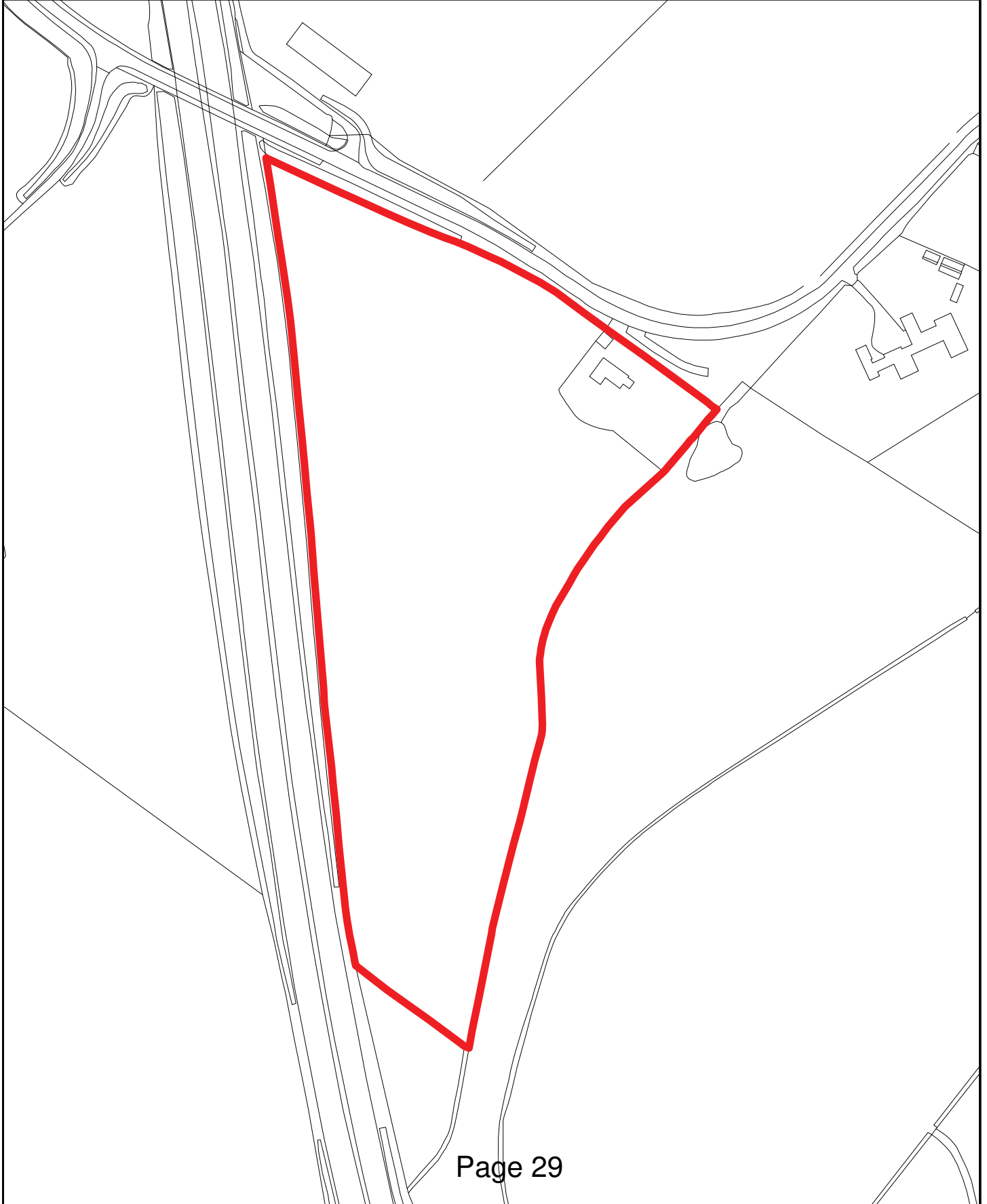
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Agenda Item 6

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 December 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/2277/15/FL

Parish(es): Fulbourn

Proposal: Proposed garden studio building as annex to main house.

Site address: 73 Station Road, Fulbourn

Applicant(s): Mr and Mrs JG and DT Williams

Recommendation: Approve subject to conditions

Key material considerations: Character and appearance of the built environment, neighbour amenity and highway safety.

Committee Site Visit: 1 December 2015

Departure Application: No

Presenting Officer: Andrew Fillmore, Principal Planner

Application brought to Committee because: The applicant is a Member of South Cambridgeshire District Council

Date by which decision due: 4 December 2015

Planning History

1. S/1832/15/F Proposed new studio house. Withdrawn

Planning Policies

2. *National Planning Policy Framework
Planning Practice Guidance*
3. *Local Development Framework*

South Cambridgeshire LDF Core Strategy, 2007:
ST/4 Rural Centres

South Cambridgeshire LDF Development Control Policies DPD, 2007:
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
NE/1 Energy Efficiency

NE/2 Renewable energy
NE/3 Renewable Energy Technologies in New Development
NE/6 Biodiversity
NE/12 Water Conservation
TR/1 Planning for More sustainable Travel
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):
District Design Guide SPD – Adopted March 2010
Trees and Development Sites SPD – Adopted March 2010
Biodiversity SPD – Adopted 2009

4. *Draft Local Plan*
S/3 Presumption in favour of sustainable development
CC/1 Mitigating and adapting to climate change
CC/6 Construction Methods
CC/7 Water Quality
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk
HG/1 Design Principles
NH/4 Biodiversity
NH/6 Green Infrastructure
SC/10 Lighting proposals
SC/11 Noise pollution
TI/2 Planning for sustainable travel
TI/3 Parking provision

Consultation

5. **Fulbourn Parish Council** – Refuse. The Parish Council's comments are as with the previous application for this site. Council has concerns about shared access and the size of the proposed studio house in relation to the footprint of the already demolished barn.
6. (Comments on planning application S/1832/15/F – Recommend refusal. The Parish Council has concerns about shared access and the size of the proposed studio house in relation to the size of the footprint of the already demolished barn)
7. **South Cambridgeshire District Council (SCDC) Urban Design** – No objection.

Relationship to the street / neighbouring properties / character of the area

The new building does not follow the established building line of the neighbouring properties (i.e. close to the street behind a small front garden) but is instead set well back from the road, beyond the rear walls of the neighbouring properties on the site of the now demolished barn. Though this would usually not be encouraged, there are several reasons why this is acceptable in this instance:

- The building line of Station Road is not continuous along the street and many houses have smaller outbuildings / garages to the rear of the properties so a structure in this location is not out of character for the area
- The proposed building is still contained within the clearly defined village envelope. Station Road is a street that extends north out of the village in a ribbon pattern of development. Houses mainly address the road both sides, and beyond the rear of the properties are open fields. The rear garden boundaries

of the properties containing mature trees and hedgerows clearly define the village boundary in this location. There are other structures and indeed rear extensions to neighbouring properties that protrude closer to the rear boundaries than this new building will, and the new development will be well screened by the surrounding mature landscaping so visual impact from the west will be minimal

- The design of the building will give the appearance of a converted barn, its footprint and scale have been kept small and its architectural language will allow the building to be read as a subservient “outbuilding”, so the set back from the building line make sense, and will prevent the building jarring against the two neighbouring properties and detracting from the character of the area.

8. *Detailed design*

It is not considered the half hip is required, it will only have limited impact on the perceived scale of the building, is not a typical barn detail and a straight gable would give the building a cleaner building line.

9. The pair of windows to the front (east) elevation would be better as single opening. The double window appears very domestic in design, and is not typical of openings in barns. In addition to the front windows, the mezzanine level also has a roof light to provide daylight, so it is not considered two windows are required on the primary elevation.
10. The shower room window, though small and presumably fit with obscured glass, may result in a loss of privacy to the rear of no.69 as it is very close to their building. Though desirable, it is not essential for this room to have a window, and I would not recommend that any additional windows are placed on the front elevation.
11. **SCDC Environmental Health (contaminated land)** – Recommend a condition requiring the provision of a desk study and site walkover along with a detailed scheme of investigation and remediation.
12. **Cambridgeshire County Council Highways** – Recommend conditions requiring the garden studio be tied to the existing dwelling, and that the access to the proposed studio be reduced to a maximum width of 1.5m with full kerbs installed, the existing gates removed and the highway reinstated within 28 days of the bringing the proposed garden studio into use (pedestrian access only).

Representations

13. No third party representations received.

Planning comments

The site

14. The application site comprises the residential curtilage of no. 71/73 Station Road, Fulbourn, a former pair of semi-detached houses now in single occupancy. This property benefits from two points of vehicular access, located to either side of the dwelling with the applicant advising the southern access is part of the freehold of no.69 (which is in the applicants ownership) and forms no part of this application.
15. The site is located within the framework boundary and is not subject to any further designations, although the surrounding countryside is designated Green Belt. A barn

previously occupied the site, and this is evident from the documentation accompanying the application.

Proposed development

16. The application proposal seeks full planning consent for a 'Proposed garden studio building as annex to the main house', positioned beyond the dwelling on the southern boundary. This building measures circa 10m (length) x 5.5m (width) and is of pitched roof construction with a height to the ridge of 6.3m and eaves height of 2.9m. Externally the building is to be clad in horizontal timber boards, with natural grey slate roof and timber joinery.

Appraisal

17. The proposed studio is self contained with a living room/dining area, kitchen and shower room at ground floor and single bedroom/study in the roof space. The Design and Access Statement accompanying the application advises the building has been designed to provide additional accommodation in conjuncture with the applicants adjacent house for occasional visiting family and friends, with the main use of the building as a domestic studio, study or home office. The building is positioned within the applicant's rear garden, and although served by a vehicular access, does not readily lend itself to be used as an independent dwelling house. As such, and subject to a condition securing the building only be used for purposes ancillary to the main dwelling, the application proposal is considered an appropriate form of ancillary residential accommodation subject to other land use considerations.

Character and appearance

18. In respect of the relationship to the street, neighbouring properties and character of the area the urban design officer advises although the new building does not follow the established building line of the neighbouring properties (i.e. close to the street behind a small front garden), the following justification is provided why this is acceptable:
 - The building line of Station Road is not continuous along the street and many houses have smaller outbuildings / garages to the rear of the properties so a structure in this location is not out of character for the area.
 - The proposed building is still contained within the clearly defined village envelope. Station Road is a street that extends north out of the village in a ribbon pattern of development. Houses mainly address the road both sides, and beyond the rear of the properties are open fields. The rear garden boundaries of the properties containing mature trees and hedgerows clearly define the village boundary in this location. There are other structures and indeed rear extensions to neighbouring properties that protrude closer to the rear boundaries than this new development will, and the new building will be well screened by the surrounding mature landscaping so visual impact from the west will be minimal.
 - The design of the building will give the appearance of a converted barn, its footprint and scale have been kept small and its architectural language will allow the building to be read as a subservient "outbuilding", so the set back from the building line make sense, and will prevent the building jarring against the two neighbouring properties and detracting from the character of the area.
19. In respect of detailed design and materials, it is necessary to condition window details and the colour of the external finishes to secure an appropriate standard of development.

20. A number of trees and other shrubbery will be removed as part of this development. Whilst this loss is regrettable, the vegetation is set back from the public highway and does not contribute significantly to the public realm.
21. It is necessary to remove permitted development rights, which will prevent the building being extended/alterd or the erection of new outbuildings without first obtaining planning consent from the local planning authority. This is needed to ensure the satisfactory appearance of the building and in view of concerns relating to neighbour amenity.

Neighbour amenity

22. A single ground floor window (serving a shower room) outlooks onto the adjoining property (no. 69 Station Road), and subject to securing this is obscure glazed no loss of privacy results. The removal of permitted development rights prevents additional windows being installed without first obtaining planning permission. In terms of shadowing and outlook, the annex building is positioned so as to marginally (1m) overlap no. 69 ensuring no loss of amenity through overshadowing or loss of outlook.
23. Given the location of the annex, orientation of its windows and relationship to neighbouring properties, no material harm is identified in respect of neighbour amenity.

Highways safety

24. The existing house is served by two points of vehicular access, to either side of the property, with the applicant advising the southern access is part of the freehold of no. 69 and falls outside of the application site. The applicant owns both the application site and adjoining dwelling (no. 69) including means of access, with this land shaded blue on the site plan. As such it is possible to append conditions which affect this land, subject to these complying with the relevant 'tests' as set out in paragraph 206 of the NPPF.
25. Cambridgeshire County Council Highways Authority offer no objection to the development, recommending a condition requiring the existing access serving the garden studio be reduced to 1.5m in width, with full face kerbs installed and the access gates removed. This would restrict access to pedestrians only. A further condition is recommended ensuring the studio is not used as an independent dwelling.
26. Paragraph 206 of the NPPF advises planning conditions should only be imposed where they are:
 - 1.necessary;
 - 2.relevant to planning and;
 - 3.to the development to be permitted;
 - 4.enforceable;
 - 5.precise and;
 - 6.reasonable in all other respects
27. All of these 'tests' are required to be met before a condition can be appended to any permission. Officers are of the view, given the ancillary nature of the development proposal to the host property and taking into account the access is already installed, that this application will not generate sufficient additional traffic movements to justify a

condition requiring the access be altered to pedestrian only. Such a condition is not considered necessary for the development to be acceptable in planning terms. Conditioning the new accommodation be used for purposes ancillary to main dwelling is necessary.

28. No further considerations are raised in respect of highway safety.

Other

29. No details of foul or surface water drainage accompany the application and it is necessary to secure this through condition.
30. Given the site was until recently occupied by a barn of unknown construction/use it is necessary to append a condition relating to contamination to ensure the risks of contamination to future users are minimised.
31. No harm is identified to the Green Belt.
32. The Parish Council express concern over the shared access and size of the studio in relation to the already demolished barn. These matters are addressed within the report and subject to appending conditions no material harm is identified on the character of the built environment or highway safety.

Recommendation

33. Officers recommend that the development be approved, subject to:

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: 'Location Plan' Drawing number '739SK01A', 'Topographical Survey' Drawing number '739SK02A', 'Proposed Site Plan' Drawing number '739SK03A', 'Proposed Ground Floor Plan' Drawing number '739SK04', 'Proposed First Floor Plan' Drawing number '739SK05', 'Proposed Roof Plan' Drawing number '739SK06', 'West and East Elevations' Drawing number '739SK07', 'North Elevation' Drawing number '739SK08', 'South Elevation' Drawing number '739SK09' and 'Sections A and B' Drawing number '739SK10'
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage 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 reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)

4. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage 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 and NE/11 of the adopted Local Development Framework 2007.)

5. No development approved by this permission shall be commenced until:

a) The application site has been subject to a detailed desk study and site walkover, to be submitted to and approved by the Local Planning Authority.

b) 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.

c) 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.

d) 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.

e) 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).

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Classes 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 - In the interests of amenity of neighbouring properties and the character and appearance of the locality in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

7. Apart from any top hung vent, the proposed ground floor window in the south elevation of the building, hereby permitted, shall be fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 in obscurity) and shall be permanently fixed shut. The development shall be retained as such thereafter.

(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

8. The building, hereby permitted, shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 73 Station Road, Fulbourn.

(Reason - To protect the amenities of adjoining residents in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

9. No development shall commence until details of the windows and colour of the external materials 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 - In the interests of the amenities of the locality)

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 (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: (These documents need to be available for public inspection.)
- Documents referred to in the report including appendices on the website only and reports to previous meetings

Report Author:

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Scale - 1:1250

Time of plot: 08:42

Date of plot: 20/11/2015



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Cambridgeshire
District Council

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Agenda Item 7

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 December 2015

AUTHOR/S: Planning and New Communities Director

Application Number:	S/2109/15/OL
Parish(es):	Linton
Proposal:	Demolition of the existing dwelling and erection of 9 dwellings
Site address:	1 Horseheath Road
Applicant(s):	Mr John Loveday
Recommendation:	Delegated Approval
Key material considerations:	Principle Highway Safety
Committee Site Visit:	None
Departure Application:	No
Presenting Officer:	Katie Christodoulides, Senior Planning Officer
Application brought to Committee because:	The recommendation of Linton Parish Council conflicts with the recommendation of the Planning Officer.
Date by which decision due:	09/10/2015

Executive Summary

1. The application site comprises a large, detached dwelling set in an expansive plot within the village of Linton. The site is served by a single point for vehicular access and rises steeply from Horseheath Road. The site is adjoined by the library and community centre to the west, residential dwellings to the north and a single detached dwelling to the east which has had consent for 12 dwellings following its demolition under planning consent (S/2762/13). This Outline Planning Consent is for access only for the demolition of existing dwelling and erection of 9 residential dwellings.

Planning History

2. **S/2504/14/OL**- Demolition of the existing dwelling and erection of 9 dwellings- Withdrawn.

Planning Policies

3. **National Planning Policy Framework**

Planning Practice Guidance

South Cambridgeshire Core Strategy DPP ST/5 Minor Rural Centres

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 in New Developments
HG/1 Housing Density
HG/2 Housing Mix
HG/3 Affordable Housing
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
NE/1 Energy Efficiency
NE/2 Renewable energy
NE/6 Biodiversity
TR/1 Planning for more Sustainable Travel
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

District Design Guide SPD – Adopted March 2010
Trees and Development Sites SPD – Adopted March 2010
Landscape in New Developments SPD – Adopted March 2010
Biodiversity SPD – Adopted

Proposed South Cambridgeshire Local Plan

S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in favour of sustainable development
S/9 Minor Rural Centres
HQ/1 Design Principles
H/7 Housing Density
TI/3 Parking Provision
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments
TI/9 Education Facilities
SC/6 Indoor Community Facilities
SC/7 Outdoor Play Space, Informal Open Space and New Developments
SC/8 Open Space Standards
CC/1 Mitigation and Adaption to Climate Change

Consultation

4. **Linton Parish Council-** Recommends refusal. The housing mix for the site should reflect the current need allowing for smaller affordable houses and bungalows. Concerns are raised regarding the cumulative impact of this site and two adjoining sites which have seen the removal of a large house with smaller houses and highway safety, on road parking, congestion and impacts on water supply, sewerage and other infrastructure. The schools, medical centre and other services are near capacity. The proposal will result in the loss of mature trees and grassland with concerns for flooding. The proposal would impact on the setting of Linton's Conservation Area and nearby listed buildings with the proposal not being sustainable. Requests the following

conditions are added in regard to housing mix, traffic, hedges and trees to be retained, archaeological investigation, careful design, noise mitigation and site traffic access from the A1307 and not through the village.

5. **Local Highways Authority-** Raises no objections and requests conditions in regard to the road not being adopted, the falls and levels of the access, the access being constructed from a bound material, visibility splays, a traffic management plan and an informative in regard to works to the highway requiring consent from the Highway Authority.
6. **Trees Officer-** Recommends approval and requests conditions in regard to protective measures, replanting and ground protection during construction. The Tree Officer is in the process of designating trees on the site with preservation orders.
7. **Affordable Housing Officer-** The scheme should provide 3 affordable dwellings with 70% rented and 30% intermediate. Two of the units should be rented and one intermediate.
8. **Landscape Officer-** Raises concerns regarding the layout and requests that this addresses the street, that the public and private spaces are better defined and that all garden and other space are useable.
9. **Environmental Health Officer-** Raises no concerns and requests conditions are added to any consent granted in regard to hours of work, burning of waste, driven pile foundations and informatives in regard to noise and dust, a demolition notice and lighting.
10. **Building Control Officer-** No comments received (out of time).
11. **Drainage Manager-** No comments received (out of time).
12. **Education Officer-** Advises contributions are required for Libraries and Lifelong Learning, Strategic Waste and Monitoring Fees. No contribution is required for education.
13. **Archaeology Officer-** The site is in an area of high archaeological potential. The site should be subject to a programme of archaeological investigation secure by condition.

Representations

14. **No.15 Horseheath Road-** Raises concerns regarding the proposed number of dwellings, highway safety, retention of the boundary treatment, trees and neighbour amenity in regard to privacy.
15. **No.2 Rhugarve Gardens-** The Transport Statement has many inaccuracies. Concerns are raised regarding highway safety.
16. **No.2 Horseheath Road-** Raises concerns regarding the cumulative impact of this proposal and nearby approved sites in regard to highway safety and the proposed access. Concerns are raised regarding parking, visibility onto Horseheath Road, retention of trees and hedgerows and overlooking.
17. **Address not provided-** Raises objections in regard to the siting of the dwellings from the kitchen and conservatory windows.

Planning comments

18. The key issues identified in consideration of this application relate to;

- Principle of development;
- Housing Mix
- Effect on the built environment;
- Effect on highway safety;
- Trees and Landscaping
- Neighbour amenity;
- Archaeology; and
- Contributions and Affordable Housing;

Principle of development

19. 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 Linton under Policy ST/5 as a 'Minor Rural Centre' which is described as a village which performs a role in providing services and facilities for a rural hinterland and where new residential development of up to 30 dwellings is permitted. As such the site is considered a sustainable location where the principle of new residential development for up to 30 dwellings is supported subject to other land use considerations.

20. The site has an area of 0.282275 hectares. The proposal would equate to a density of 32 dwellings per hectare. Policy HG/1 Housing Density of the LDF states the minimum density of dwellings per hectare is 30, with at least 40 dwellings per hectare in more sustainable locations. The proposed density is considered in accordance with Policy HG/1 and appropriate to the character of the area.

Housing Mix

21. Policy HG/2 of the LDF states that in developments of up to 10 dwellings, market properties should provide:

- a. At least 40% of homes with 1 or 2 bedrooms; and
 - b. Approximately 25% of homes with 3 bedrooms; and
 - c. Approximately 25% of homes with 4 or more bedrooms;
- unless it can be demonstrated that the local circumstances of the particular settlement or location suggest a different mix would better meet local needs

22. Policy H/8 of the emerging Local Plan states that a wide choice, type and mix of housing will be provided to meet the needs of different groups in the community including families with children, older people and people with disabilities. The market homes in developments of 10 or more homes will consist of:

- a. At least 30% 1 or 2 bedroom homes;
- b. At least 30% 3 bedroom homes;
- c. At least 30% 4 or more bedroom homes;
- d. With a 10% flexibility allowance that can be added to any of the above categories taking account of local circumstances.

23. The emerging policy does not specify any mix for smaller schemes under 10 dwellings and can be given some weight due to the stage of the Local Plan that it is currently

under examination. Given the proposal is for 9 dwellings, Policy HG/2 of the LDF will be given most weight.

24. The proposed mix for the 6 market dwellings as part of the development is for one 2 bedroom property and five 3 or 4 bedroom properties. Given the proposal is for Outline Consent with all matters reserved except access, the mix can be confirmed at Reserved Matters stage.

Effect on the built environment

25. The surrounding residential properties to the north along Parsonage Way and Keene Fields represents a relatively high density of development for a village location, with this reflected in the neighbouring development to the east for 12 residential units. The development to the southern side of Horseheath Road opposite the application site is less dense.
26. The site is 2800m² in size and considered of adequate proportions to construct 9 no. dwellings whilst still providing for a reasonable curtilage to each property. The indicative layout plan indicates how this can be achieved within the constraints imposed by the relationship to neighbouring properties and mature trees, and that each property will be served by adequate private outside amenity space.
27. It is therefore considered that in principle the construction of nine residential dwellings in this location would not have any significant adverse effects and can be designed in harmony with the form and character of the area.

Residential Amenity

28. The indicative site plan submitted with this application indicates development layout in relation to neighbouring residential dwellings, with the units to the north being set 20m from the neighbouring dwelling to the rear and the units to the east positioned closer where they back onto a garage. This does not accord with the District Design Guide which requires a distance of 25 metres, however given this is for Outline Consent only and layout is to be considered at Reserved Matters stage this can be addressed then.
29. The potential impact upon the residential amenity of adjoining dwellings would mainly be addressed within the reserved matters submission, although it is considered that appropriate window arrangements and boundary screening could reasonably mitigate any issues of overlooking, especially given the size of the site. Furthermore, the plots overall size ensures the positioning of the dwellings would provide a reasonable buffer to the neighbours such that there would not be any unreasonable levels of shadowing, whilst providing a reasonable amount of amenity space for each unit.

Highway Safety

30. The application seeks outline consent for the means of access which is to be provided via a private drive which is as existing.
31. The Highways Authority considers this access arrangement suitable. Conditions are recommend requiring the road not being adopted, details of the driveway construction to prevent surface water run-off and debris spilling onto the public highway, permanent retention of visibility splays, a traffic management plan and informative in regard to permission being sought for works to the highway.
32. The indicative details of the parking and turning arrangements are suitable; however

this will be assessed in full at the reserved matters stage when the siting of the units is considered. As such the development is considered to provide a suitable and safe means of vehicular access onto the public highway.

Trees and Landscaping

33. The proposal will result in the loss of some trees on the site. Conditions shall be added to any consent granted to require tree protection measures as detailed in the Tree Survey to be carried out.
34. The Landscape Officer has raised concerns regarding the proposed layout of the site, landscaping will be assessed at Reserved Matters stage. A condition shall be added to require landscaping details to be submitted.
35. Boundary treatment conditions would be attached to any consent granted to retain the existing character of the site and enhance the quality of the development.

Archaeology

36. The site lies in an area of high archaeological potential. A condition would be attached to any consent to secure an archaeological investigation to ensure that the development would not result in the loss of any significant archaeological remains.

S106 Contributions and Affordable Housing

37. The Section 106 Agreement provides contributions to community facilities, public open space, waste receptacles, Libraries and Lifelong Learning, Strategic Waste and Monitoring Fees based on the proposed mix of the development. Linton Parish Council have requested that open space contributions are put towards the Pocket Park facility and are in the process of putting forward a project in the area to provide for community facilities.
38. Planning applications are required to be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted and emerging development plans requires the provision of 40% affordable housing on sites where there is a net gain of two or three dwellings. The Affordable Housing Officer has advised that 3 properties should be affordable with 1 dwelling being a one bed property and 2 being two bed properties. The agent has confirmed they are happy to provide this with two properties being rented and one in shared ownership. This will form part of the Section 106 Agreement

Conclusions

39. It is considered that nine dwellings can be adequately accommodated on the site and be designed such that they would be in harmony with the surrounding area without causing 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. 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.

Recommendation

41. Officers recommend that the Committee approves the application, subject to a completed Section 106 Agreement.

Requirements under Section 106 of the Town and Country Planning Act 1990

- (a) Affordable housing
- (b) Community facilities
- (c) Education
- (d) Open space
- (e) Waste receptacles

Conditions

- (a) Approval of the details of the layout of the site, the scale and appearance of buildings, 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 be carried out in accordance with the following approved plans: Location Plan & Drawing 10 Access Appraisal.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (d) No development shall take place until details of the materials to be used for the access and driveway 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.)
- (e) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
(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.)
- (f) 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.)

- (g) The existing hedge on the front boundary of the site shall be retained except at the point of access; and any trees or shrubs within it which, within a period of five years from the completion of the development or the occupation of the buildings, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
(Reason - To protect the hedge which is of sufficient quality to warrant its retention and to safeguard biodiversity interests and the character of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
- (h) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from [the date of the first occupation of the dwellings hereby approved].
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant British Standard.
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of 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.)
- (i) 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.)

- (j) 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 [for each dwelling] shall be completed before that/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.)
- (k) No development shall take place on the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
(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.)
- (l) No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) Contractors' access arrangements for vehicles, plant and personnel;
 - ii) Contractors' site storage area(s) and compounds(s);
 - iii) Parking for contractors' vehicles and contractors' personnel vehicles;Development shall not be carried out other than in accordance with the approved details.
(Reason - In the interests of residential amenity in accordance with Policies DP/3 and DP/6 of the adopted Local Development Framework 2007.)
- (m) The proposed housing mix for the development shall be in accordance with Policy HG/2 unless otherwise agreed in writing by the Local Planning Authority.
(Reason - In the interest of housing mix in accordance with Policy HG/2 of the adopted Local Development Framework 2007.)
- (n) The proposed driveway shall be constructed 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.)
- (o) The proposed driveway shall be constructed using a bound material to prevent debris spreading 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.)
- (p) Prior to the first occupation of the development visibility splays shall be provided each side of the vehicular access in full accordance with the details indicated on the site extract plan showing visibility splays. The splays shall thereafter be maintained free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- (q) No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries take 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 Holidays, unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.
(Reason - To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- (r) There shall be no burning of any waste or other materials on the site, unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.
(Reason - To minimise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- (s) Prior to the commencement of any development, should driven pile foundations be proposed, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer to allow control of noise and vibration.
(Reason- To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- (t) Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage 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 and NE/11 of the adopted Local Development Framework 2007.)

Informatives

- (a) 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.
- (b) Before any existing buildings are demolished, a Demolition Notice will be required from the Building Control Section of the council's planning department to establish the way the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation. This should be brought to the attention of the applicant to ensure the protection of the residential environment of the area.

- (c) If any lighting is proposed, details of any external lighting, including street and security lighting shall be submitted to and approved by the Local Planning Authority before construction commences. The lighting impact shall be assessed in accordance with 'The Institute of Lighting Professions' 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'.
- (d) 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, and that a separate permission must be sought from the Highway Authority for such works.

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 (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- S/2504/14/OL

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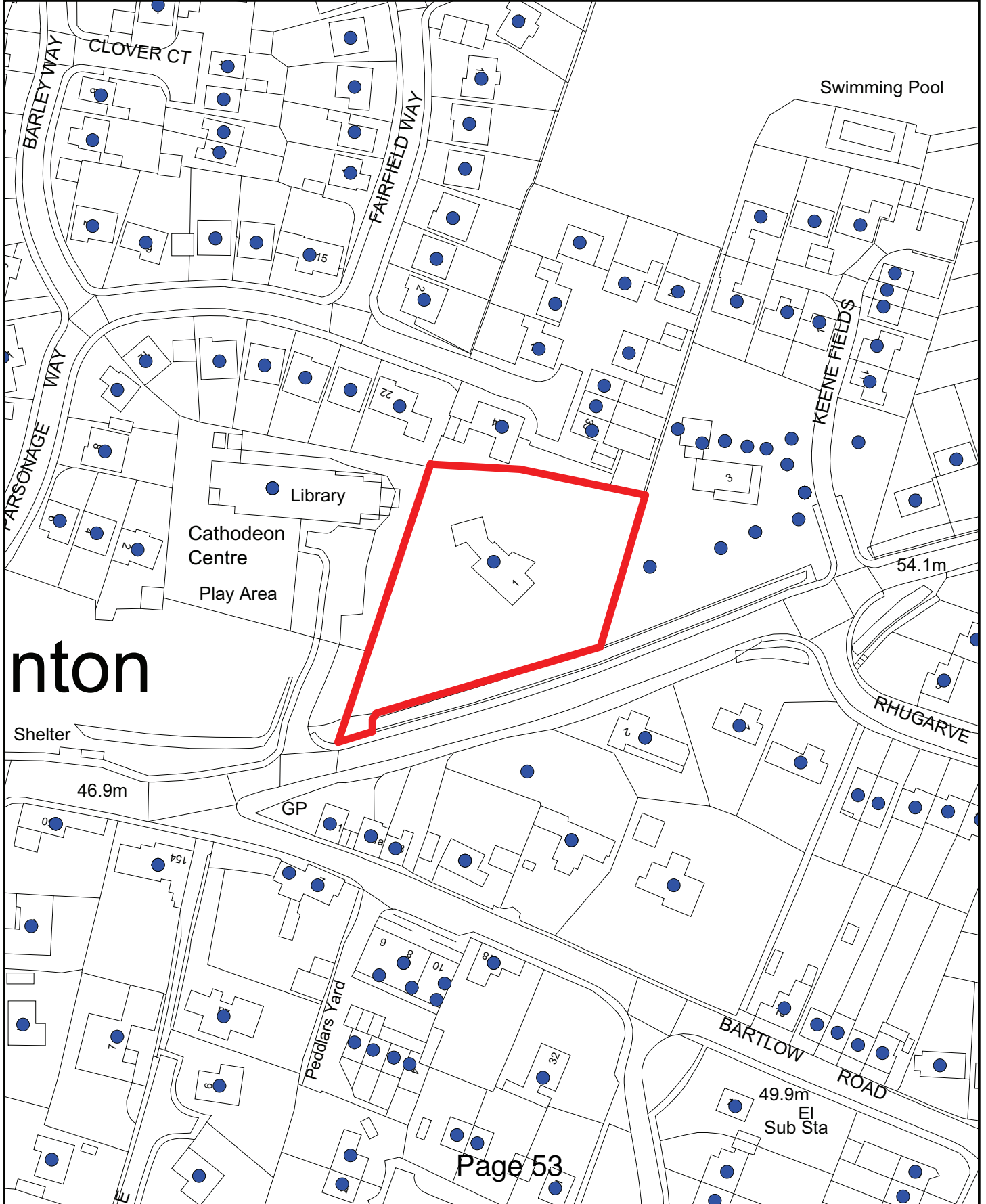
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Agenda Item 8

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 December 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/2003/15/FL

Parish(es): Little Shelford

Proposal: Erection of Two Dwellings following Demolition of Existing Dwelling and New Highway Access

Site address: 25 Church Street

Applicant(s): Crickmore Developments Ltd.

Recommendation: Approval

Key material considerations: Principle of Development
Housing Density
Housing Mix
Developer Contributions
Conservation Area
Trees and Landscaping
Highway Safety
Neighbour Amenity

Committee Site Visit: Yes

Departure Application: No

Presenting Officer: Karen Pell-Coggins, Principal Planning Officer

Application brought to Committee because: The recommendation of officers conflicts with the view of Little Shelford Parish Council

Date by which decision due: 28 September 2015

Planning History

1. S/0163/15/FL - Erection of Two Dwellings following Demolition of Existing Dwelling and New Highway Access - Refused
 - i) The proposals by virtue of their design, form and massing seriously impact on the residential amenities of the adjacent property no. 21 Church Street, contrary to policies DP/2, DP/3 and CH/5 of the adopted Local Development Framework 2007.
 - ii) The proposals involve the removal of a Birch tree immediately adjacent to the highway. This tree makes a significant contribution to the visual amenity of the area and the street scene and is in good health. Its removal would be contrary to DP/1 and

CH/5 of the adopted Local Development Framework 2007.

2. S/2210/14/FL - Erection of Two Dwellings following Demolition of Existing Dwelling and New Highway Access - Withdrawn

National Guidance

3. National Planning Policy Framework

Development Plan Policies

4. **South Cambridgeshire Local Development Framework Core Strategy DPD 2007**

ST/2 Housing Provision
ST/7 Infill Villages

5. **South Cambridgeshire Local Development Framework 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
HG/2 Housing Mix
HG/3 Affordable Housing
CH/5 Conservation Area
NE/6 Biodiversity
NE/1 Energy Efficiency
NE/11 Flood Risk
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

6. **South Cambridgeshire Local Plan Submission 2014**

S/3 Presumption in Favour of Sustainable Development
S/5 Provision of New Jobs and Homes
S/7 Development Frameworks
S/11 Infill Villages
HQ/1 Design Principles
H/7 Housing Density
H/8 Housing Mix
H/9 Affordable Housing
NH/4 Biodiversity
NH/14 Heritage Assets
CC/1 Mitigation and Adaptation to Climate Change
CC/3 Renewable and Low Carbon Energy in New Developments
CC/4 Sustainable Design and Construction
CC/9 Managing Flood Risk
SC/6 Indoor Community Facilities
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards

TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments

7. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

Development Affecting Conservation Areas SPD - Adopted January 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
Affordable Housing SPD - Adopted March 2010
Open Space in New Developments SPD - Adopted January 2009

Consultation

Amended Plans

8. **Little Shelford Parish Council** - Comments are awaited.
9. **Local Highways Authority** - Comments are awaited.
10. **Conservation Officer** - Comments are awaited.
11. **Trees and Landscapes Officer** - Comments are awaited.
12. **Landscape Design Officer** - Comments are awaited.

Original Plans

13. **Little Shelford Parish Council** - Recommends refusal and makes the following comments: -

"Our main concerns regard the removal and recessing of part of the wall outside number 25 and the height and mass of the proposed properties, as all these factors will detrimentally impact the street scene. The Parish Council holds a very strong opinion that the wall along the front of 25 is a key feature of the street scene as well as being fundamental in assisting with the difficult parking situation often found on Church Street. The impact on the street of a 14 metre opening will be to remove key parking for a village with a very active village hall and church, both situated on Church Street. In the previous application (S/063/15/FL) the Parish Council requested that a single entrance for both properties was maintained but this change was refused by dpa architects and by extension Crickmore Developments because of concerns in creating a 5 metre opening.

"With regard to the site access, we understand that the Parish have a preference for serving both new dwellings from the existing access. However, in order to do so this access would have to be widened to 5m (to comply with Highway standards) which would reduce on-street parking in any case, and due to potential increased noise and disturbance this is not the preferred approach for the owners of No. 21. Therefore we have left our design unchanged in this respect."

As a Parish Council we agree with the assessment of Mr Philips and therefore increasing this opening to 14metres would even further reduce the on-street parking to a point of impacting the whole street for the worse.

We have also expressed our concerns regarding the height and mass of the

properties. As a non-professional I can see the changes requested by the District Council for the previous application (S/0163/15/FL) but not any further changes therefore I have attached the document with our original concerns regarding the detrimental impact of these houses on the street scene (see Appendix). Especially the fact that the height of plot 2 will only be in keeping with the height of number 27 from one aspect.

When considering this planning application we would also like you to take into account that our village design statement is very near to completion, the Parish council will be discussing the formal document on Monday 14th September with the hope of confirming it in our next meeting on Monday 21st September.”

14. **Local Highways Authority** – Requires conditions in relation to a traffic management plan during demolition and construction, the provision of pedestrian visibility splays, the driveway constructed from bound materials, the driveway constructed so that it falls and the provision and retention of parking and turning on site. Also requests informatives with regards to works to the public highway.
15. **Conservation Officer** – Objects to the application on the grounds of the impact of the widened access upon the character and appearance of the historic wall along Church Street that would neither preserve nor enhance the character and appearance of the conservation area.
16. **Trees and Landscapes Officer** – Has no objection providing details are provided of how materials would be moved on and off site without damage to the key frontage trees.
17. **Landscape Design Officer** - Has no objections subject to conditions in relation to full details of hard and soft landscaping, details of all existing trees, hedgerows and scrub on site to be retained or removed, tree and hedgerow protection measures, replacement planting, boundary treatment, surface water drainage, provision for waste/recycling and provision for cycle storage.
18. **Environmental Health Officer** - Suggests conditions in relation to the hours of use of construction related deliveries, plant/machinery and noisy works. Also requests informatives with regards to the burning of waste, pile driven foundations and disturbance during construction.
19. **Cambridgeshire County Council Historic Environment Team** - Comments that the site is in an area of high archaeological potential and a condition is required for an archaeological investigation of the site.

Representations

20. The **Local Member** objects to the application on the grounds of overdevelopment, impact upon the street scene, impact upon neighbours amenity, substandard visibility splays, removal of trees for access and inaccurate drawings in relation to the spacing of the dwellings.
21. Five **letters of representation** have been received from the immediate neighbours and local residents. They raise the following concerns: -
 - i) The dwellings would be out of keeping with conservation area due to scale, mass, height especially to the rear, spacing between dwellings, incoherent modern and traditional elements of design that do not reflect current building, dominant gable design features out of keeping and materials not local.

- ii) The widening of the access would lead to the loss of part of a historic wall, interrupt the feature of the wall along the street, lead to a new set back section of wall would result in a poor design, lead to new splays that may affect the roots of the protected birch tree and lead to a reduction in on-street parking.
 - iii) Impact upon neighbours through mass and depth of buildings, loss of light and overshadowing to dwellings and gardens, loss of view from windows, overlooking windows to side and noise and disturbance.
 - iv) Trees removed from site possibility illegally and no replacement planting proposals. Beech hedge along the boundary should be retained and maintained.
 - v) The dwellings would not have renewable energy technologies, hard surfaced driveways would increase surface water run-off, cramped design with small windows and poor orientation
 - vi) Poor consultation with neighbours and inaccuracies in application.
22. A letter has been received from **Right of Light Consulting Chartered Surveyors** on behalf of the neighbour at No. 27 Church Street that has concerns that the development would infringe upon the daylight and sunlight enjoyed by her property with particular reference to the impact upon the side lounge window. Comments that it would infringe upon the legal rights of light. Requests a sunlight and daylight assessment in accordance with BRE guidelines to be undertaken by the applicant.
23. The **applicant's planning consultant** has raised the following points: -
- i) The potential impact of the development upon No. 27 Church Street has already been assessed.
 - ii) The submitted drawings are accurate.
 - iii) The application has been assessed within the policy context with regards to the conservation area.
 - iv) The architecture and design is appropriate and the details and materials are of a high standard.
 - v) The applicant, architect and myself have been in discussions with the Local Planning Authority for a period in excess of a year.
 - vi) The proposals have been assessed in the context of the development plan and changes made to address concerns.
 - vii) The site is within the built-up area of the village and is surrounded by residential properties.
 - viii) The proposals make the best use of the site.
 - ix) The requested amendments by neighbours are subjective.

Site and Surroundings

24. The site is located within the Little Shelford village framework and conservation area. No. 25 Church Street is a two-storey, detached, 1950s, brick house that is situated in a large plot. It has an access driveway adjacent to No. 21 and a historic wall along the front boundary of the site with trees and landscaping behind including a Birch tree that is protected by a Tree Preservation Order. No. 21 Church Street is a gable fronted traditional dwelling that is situated on the back edge of the footpath to the south west. There is a 1.8 metre high fence along the boundary to the rear of the dwelling. No. 27 Church Street is 1950s dwelling that is set in line with the dwelling on the site to the north east. The historic wall continues along the frontage of this property and beyond along the High Street. There is 3 metre high beech hedge along the boundary.

Proposal

25. This full planning application, as amended, seeks the erection of two, detached

dwellings following demolition of the existing dwelling. The dwellings would be set back 13 and 16 metres from the road and have similar designs with the main ridges running parallel to the road with gable features projecting forward. Plot 1 would comprise four bedrooms and have a two-storey width of 7.3 metres, a depth of 19.1 metres and a height of 4.9 metres to the eaves and 7.4 metres to the ridge. A single storey element would be incorporated to the side. Plot 2 would comprise five bedrooms and have a two-storey width of 10.4 metres, a depth of 22.6 metres and a height of 4.9 metres to the eaves and 7.4 metres to the ridge. The rear section of both dwellings would be slightly higher (7.7 metres) to provide accommodation in the roof space. The materials of construction for the dwellings would be buff bricks for the walls and plain tiles for the roofs. Plot 1 would be served by the existing access and a new access point would be provided to the east for Plot 2. The existing protected birch tree on the frontage would be retained and one fruit tree removed.

Planning Assessment

26. The key issues to consider in the determination of this application relate to the principle of the development, housing density, housing mix, affordable housing, developer contributions and the impacts of the development upon the character and appearance of the conservation area, trees and landscaping, highway safety and neighbour amenity.

Principle of Development

27. The site is located within the village framework of an Infill Village where there is a limited range of services and facilities and developments of up to two dwellings are considered acceptable in principle. The erection of two dwellings following demolition of the existing dwelling is therefore supported in policy terms.

Housing Density

28. The site measures approximately 0.19 of a hectare in area. The density would equate to 11 dwellings per hectare. This would not comply with the density requirements set out under Policy HG/1 of the LDF of at least 30 dwellings per hectare for villages such as Little Shelford. However, it is considered acceptable in this case as it would more in keeping with the character and appearance of the area.

Housing Mix

29. The proposed mix of one five bedroom dwelling and one four bedroom dwelling would not comply with Policy HG/2 of the adopted Local Development Framework that states in developments of up to 10 dwellings, market properties should provide:
- a. At least 40% of homes with 1 or 2 bedrooms; and
 - b. Approximately 25% of homes with 3 bedrooms; and
 - c. Approximately 25% of homes with 4 or more bedrooms;
- unless it can be demonstrated that the local circumstances of the particular settlement or location suggest a different mix would better meet local needs.
30. However, the mix does comply with Policy H/8 of the emerging Local Plan. This policy states that a wide choice, type and mix of housing will be provided to meet the needs of different groups in the community including families with children, older people and people with disabilities. The market homes in developments of 10 or more homes will consist of:
- a. At least 30% 1 or 2 bedroom homes;
 - b. At least 30% 3 bedroom homes;

- c. At least 30% 4 or more bedroom homes;
- d. With a 10% flexibility allowance that can be added to any of the above categories taking account of local circumstances.

31. This policy can be given some weight due to the stage of the Local Plan that it is currently under examination and that a number of objections to the policy are seeking even more flexibility than that currently put forward. The outcomes of a number of appeals that have given permission for a similar mix are also material considerations that need to be taken account in the decision of this application. The mix is therefore considered satisfactory.

Affordable Housing

32. The development would result in a net increase of one dwelling that would be below the threshold required to provide affordable housing under Policy HG/3 of the adopted Local Development Framework and Policy H/9 of the emerging Local Plan.

Developer Contributions

33. The new development would put extra demand on open space and community facilities in Little Shelford.
34. Recent Government advice (issued through the National Planning Practice Guidance) has led to confusion over the ability of local planning authorities to seek financial contributions. That advice has now been largely cancelled as a result of the recent judicial review decision, which allows the payment of contributions to continue in appropriate cases. Little Shelford is one of the villages that has not pooled five or more offsite public open space contributions and as such any request would need to be Community Infrastructure Levy (CIL) compliant to make the development acceptable in planning terms. Little Shelford Parish Council have been approached to find out whether it has any specific projects in relation to open space where contributions would be required.
35. In this case, there is not considered to be a specific need in order to mitigate the impact of the development and contributions are not therefore sought.

Character and Appearance of Conservation Area

36. Church Street comprises a variety of different styles of dwellings that range from traditional properties set close to the road and modern properties set back from the road. The plots are generally wide although some are narrow but the majority of properties are detached. Some dwellings are sited close to each other whilst others are set further apart. Several dwellings have features such as gables and dormer windows. The materials in the area range from render and thatch to brick and tiles.
37. The siting, scale, mass, height, form, design, details and materials of the dwellings are considered appropriate. Although it is noted that the dwellings would be sited further forward than the neighbour at No. 27 Church Street, they would be set back behind the neighbour at No. 21 Church Street. The spacing between the dwellings would have a similar relationship to the dwellings at Nos. 16 and 18 Church Street opposite. The scale, mass and height of the dwellings would reflect the proportions of existing buildings in the area. The form, design and materials of the dwellings would be very similar to the dwelling at No. 10 Church Street. The development is therefore considered to be in keeping with the street scene and would preserve the character and appearance of the conservation area.

38. The new access point, as amended, would create a new opening and result in the loss of a section of the historic brick wall along the frontage of site. This wall is a key feature in the street scene and provides a strong form of enclosure to this part of Church Street. The position and length of the opening, as amended, is considered to reflect the existing access point and would maintain the regularity of the access points within the wall. It would not result in a significant loss of historic fabric and is considered to preserve the character and appearance of the conservation area.

Trees and Landscaping

39. The proposal, as amended, would not result in the loss of any important trees on the site that have a significant impact upon the visual amenity of the area. The Birch tree along the frontage subject to a Tree Preservation Order and the Beech tree along the boundary with No. 27 Church Street would be retained. The foundations to the splay walls to the new access point and the driveway would not encroach into the root protection area of the Birch tree. Protection fencing would be erected during works to protect the canopy of the Birch tree and the Beech hedge. This would be a condition of any consent. The loss of the fruit tree along the frontage would not warrant refusal of the application given the low status of this tree.
40. Whilst it is noted that some trees on the site have already been removed, this is a separate matter outside the control of this application.
41. A condition would be attached to any consent to secure replacement planting along the site frontage to mitigate the loss of the fruit tree.

Highway Safety and Parking

42. The provision of a second access point on the High Street in position proposed is not considered to be detrimental to highway safety. The single width and provision of pedestrian visibility splays measuring 2.0 metres x 2.0 metres on each side of the access that are kept clear over a height of 0.6 metres would accord with Local Highway Authority standards. The provision and retention of the visibility splays would be a condition of any consent.
43. Two vehicle parking spaces would be provided for each of the dwellings. This level of on-site parking would accord with the Council's vehicle parking standards. Adequate turning space would be provided to ensure that vehicles could turn and exit the site in forward gear. The retention of the parking and turning spaces would be a condition of any consent.
44. Concerns have been raised in relation to the loss of on street parking along Church Street as a result of the creation of a new access. This is considered to improve highway safety as there would be fewer vehicles to cause a hazard and obstruct the free flow of traffic along this through road from Great Shelford to Hauxton.

Neighbour Amenity

45. The dwelling at No. 21 Church Street is set on the back edge of the footpath that has a small rear garden adjacent to the existing dwelling on the site. There is a small secondary kitchen window and a main sitting room window in its side elevation facing the site and patio doors serving the kitchen in the rear elevation facing the garden.
46. The proposed development is not considered to adversely affect the amenities of the

neighbour at No. 21 Church Street. The nearest two-storey element of the dwelling on Plot 1 would be located in the same position as the existing dwelling. Although this would have a greater height, it is not considered to result in a loss of outlook from the garden or patio doors in the rear elevation given that it would set approximately 4.5 metres off the boundary and not obstruct the 45 degree line measured from the centre of the patio doors. It would also not lead to a loss of light due to its position and orientation to the north east. The single storey element adjacent to the boundary would be shorter in length than existing and also not obstruct the 45 degree line measured from the centre of the patio doors in the rear elevation. The single storey element to the rear would be set 6.5 metres off the boundary and have a flat roof. The proposal would result in an unduly overbearing mass when viewed from and loss of light to the small kitchen window in the side elevation. However, this impact is considered satisfactory given that this is a secondary window to this room that is also served by the patio doors in the rear and a window in the other side elevation. Whilst it is acknowledged that the new dwelling would be visible from the main sitting room window in the side elevation of the dwelling, it is not considered to be unduly overbearing in mass as it would be situated 4.5 metres off the boundary and not project across the window. The roof lights in the side elevation of the dwelling would be high level and not lead to a loss of privacy.

47. The dwelling at No. 27 Church Street is set almost in line with the existing dwelling and has a large rear garden. There is a small secondary lounge window on its side elevation facing the site, a main lounge window in the front elevation and patio doors serving a dining room in its rear elevation.
48. The proposed development is not considered to adversely affect the amenities of the neighbour at No. 27 Church Street. The nearest two-storey element of the dwelling on Plot 2 would be situated closer than the existing dwelling. Although this would be closer and have a greater height, it is not considered to result in a loss of outlook from the garden or patio windows in the rear elevation given that it would set approximately 4.5 metres off the boundary and not obstruct the 45 degree line measured from the centre of the patio doors. It would also not lead to a loss of light due to its position and orientation to the south west where overshadowing would be limited and not encroach significantly into the garden apart from in the winter when it is less well used. The single storey element to the rear would be set at least 4.5 metres off the boundary and have a flat roof. The proposal would result in an unduly overbearing mass when viewed from and loss of light to the small lounge window in the side elevation. However, this impact is considered satisfactory given that this is a secondary window to this room that already has restricted light and view due to the boundary hedge and is also served by a large window in the front elevation. The roof lights in the side elevation of the dwelling would be high level and not lead to a loss of privacy. A condition would be attached to any consent to ensure the first floor bathroom windows in the side elevation are obscure glazed and fixed shut unless the opening part is at least 1.7 metres from finished floor level of the room in which the window serves. The door to the utility room and bathroom window in the side elevation would not lead to a loss of privacy due to the boundary screening and uses.
49. The development is not considered to result in an unacceptable rise in the level of noise and disturbance that would seriously harm the amenities of neighbours.

Other Matters

50. The windows to the main living areas would be large in scale and allow a substantial amount of daylight to enter aswell as being orientated towards the garden to enjoy the views. There are no adopted Local Development Framework policies that require

developments of this scale to provide renewable energy technologies to mitigate climate change. The emerging Local Plan has a policy but this currently has limited weight due to inconsistencies with national policy. A condition would be attached to any consent to agree the hard surfaced material for the driveway to ensure that surface water run-off would not increase.

51. A right of light is a legal matter that cannot be taken into consideration in the determination of this application.
52. The applicant has addressed the concerns of the Council through the submission of a new application. Consultation with neighbours is encourage but would not justify refusal of the application if it is not carried out.
53. Inaccurate plans

Conclusion

54. 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.

Recommendation

55. Officers recommend that the Committee approves the application as amended.

Conditions

- (a) 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.)
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans: - To be confirmed.
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- (c) The materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be as stated in the application.
(Reason - To ensure the appearance of the development preserves the character and appearance of the conservation area in accordance with Policy CH/5 of the adopted Local Development Framework 2007.)
- (d) 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 for each dwelling shall be completed before that/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.)
- (e) No development shall take place until full details of both hard and soft

landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.

(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.)

- (f) 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.)
- (g) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first occupation of the dwellings hereby approved.
(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant British Standard.
(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of 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.)
- (h) Visibility splays shall be provided on both sides of the access prior to the occupation of the development and shall be maintained free from any obstruction over a height of 0.6 metres within an area of 2.0 metres x 2.0 metres measured from and along respectively the back of the footway.
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- (i) The parking and turning spaces shown on drawing number (to be confirmed) shall be provided prior to the occupation of the development and thereafter retained.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (j) No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
- i) Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
 - ii) Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
 - iii) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
 - iv) Control of dust, mud and debris, please note it is an offence under the Highways Act 1980 to deposit mud or debris onto the adopted public highway.
- (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- (k) The development, hereby permitted, shall not be occupied until covered and secure cycle parking has been provided within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
Reason - To ensure the provision of covered and secure cycle parking in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)
- (l) 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, C 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 character and appearance of the conservation area and the amenities of neighbours in accordance with Policies CH/5 and DP/3 of the adopted Local Development Framework 2007.)
- (m) Apart from any top hung vent, the proposed first floor windows in the side elevations of the development], hereby permitted, shall be fixed shut 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.)
- (n) No site or plant machinery shall be operated, no noisy works shall be carried out and no construction related deliveries taken or dispatched from the site except between 0800 hours and 1800 hours Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Bank Holidays.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
- (o) No development shall take place on the application site until the

implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
(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

- (a) During demolition and 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.
- (b) Should pile driven foundations be proposed, then before works commence a statement of the method for construction of these foundations shall be submitted to the District Environmental Health Officer so that noise and vibration can be controlled.
- (c) The access shall be constructed so that it falls and levels are such that no private water from the site drain across or on to the adopted public highway.
- (d) The granting of a 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, and that a separate permission must be sought from the Highway Authority for such works.
- (e) The use of block paving within the adopted public highway is not acceptable and any works within the adopted public highway must comply with the Housing Estate Road Construction Specification current at the time of any application for works.

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
- South Cambridgeshire Local Plan Submission 2014
- Planning File References S/2203/15/FL, S/0163/15/FL and S/2210/14/FL

Report Author:

Karen Pell-Coggins
Telephone Number:

Principal Planning Officer
01954 713230

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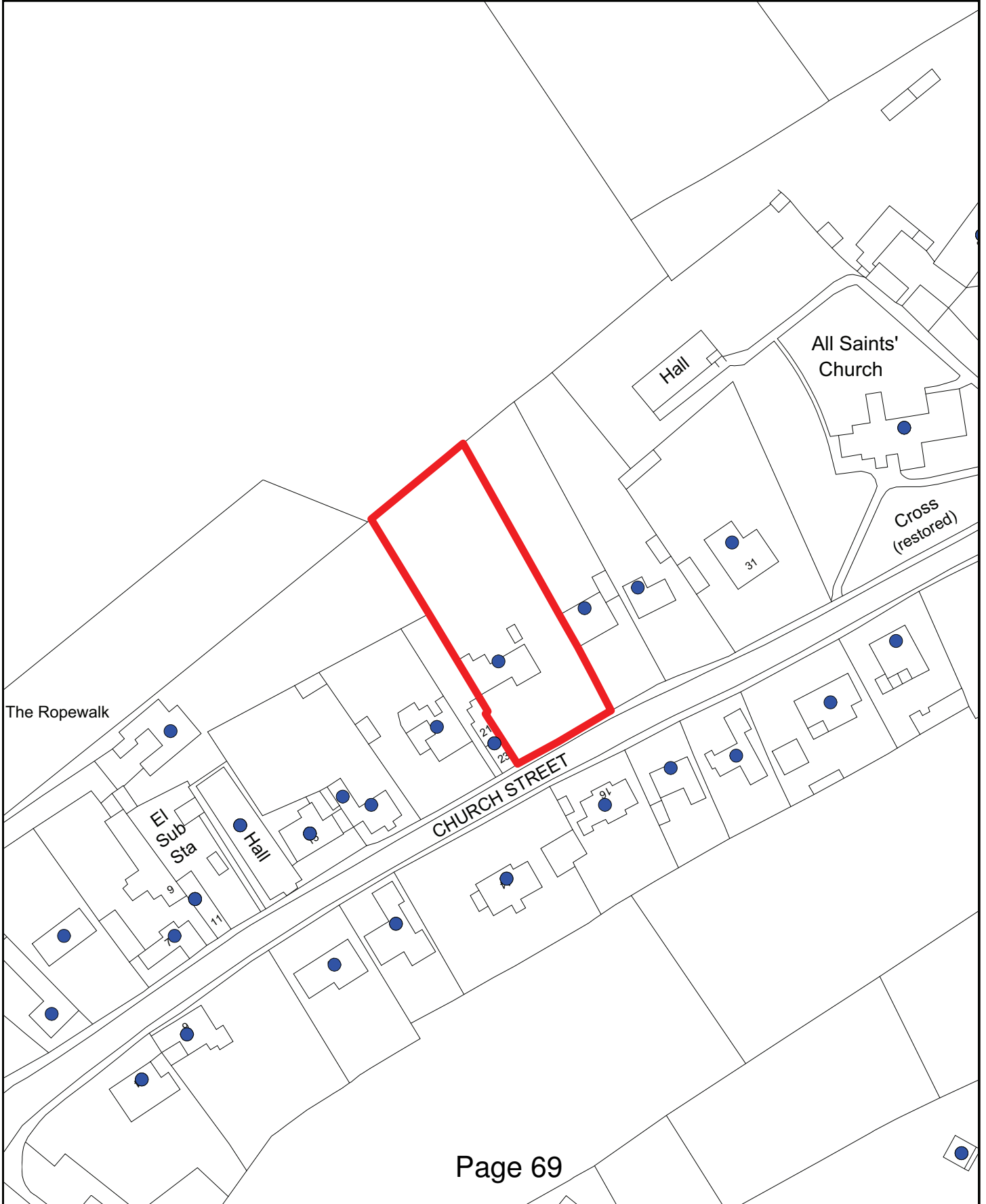
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Date of plot: 20/11/2015



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Agenda Item 9

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 December 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/2334/15/FL

Parish(es): Great Abington

Proposal: Erection of Annexe following Demolition of Existing Piggery

Site address: 6 Chalky Road

Applicant(s): Mr and Mrs Hefford

Recommendation: Refusal

Key material considerations: Character and Appearance of the Area
Highway Safety
Neighbour Amenity

Committee Site Visit: No

Departure Application: No

Presenting Officer: Karen Pell-Coggins

Application brought to Committee because: Request from the Local Member and of local interest

Date by which decision due: 9 November 2015

Planning History

1. S/0893/09/F - Extension - Approved
S/0462/09/F - Extension - Approved
S/2324/03/F - Extension - Approved
S/1910/03/F - Extension - Refused
S/0878/87/F - Extension - Approved

National Guidance

2. National Planning Policy Framework 2012
National Planning Practice Guidance 2014

Development Plan Policies

3. South Cambridgeshire Local Development Framework Development Control Policies DPD 2007

DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
HG/6 Extensions to Dwellings in the Countryside

4. **South Cambridgeshire Local Development Framework Supplementary Planning Documents**
District Design Guide SPD - Adopted March 2010
5. **South Cambridgeshire Local Plan Submission 2014**
S/7 Development Frameworks
HQ/1 Design Principles
H/12 Extensions to Dwellings in the Countryside

Consultation

6. **Great Abington Parish Council** – Recommends approval.
7. **Local Highways Authority** – Comments that the development would not have a significant adverse impact upon the public highway. Request a condition to ensure that the annexe is tied to the existing dwelling.

Representations

8. The **Local Member** supports the application. Comments that the annexe shares an entrance with the main building and is of an appropriate scale, being subservient to the main building and sits well within the curtilage of the main building. It would not result in a cramped form of development as it is similar in scale to the piggery it would replace and although relatively close to the main dwelling, sufficiently removed from it and of a scale that does not impact upon the character and appearance of the area. It would not result in an unsustainable development as the site is located at the northern end of Chalky Road and a footpath leads to a bus stop on Pampisford Road (200 yards) and to the centre of the village (15 mins). It is also close to Granta Park that provides a large number of jobs. Recommends that the application is approved.

Site and Surroundings

9. The site is located outside the Great Abington village framework and in the countryside. No. 6 Chalky Road is a detached, one and half storey dwelling that is located on the southern side of a large plot. It has an existing single storey outbuilding on the northern side along with a vehicular access and parking area. There is a garden area in-between the dwelling and outbuilding. Chalky Road is a public footpath. The site lies within Flood Zone 1 (low risk).

Proposal

10. The proposal seeks the erection of a detached, part one and a half storey and part single storey annexe for the applicant's daughter and her partner following demolition of the existing piggery outbuilding. The building would measure 14.5 metres in length, 6 metres in width and have a height of 3.4 metres to the eaves and 6.2 metres to the ridge. The materials of construction would be stained weatherboarding above a brock plinth for the walls and pantiles for the roof. The accommodation would provide a sitting/dining room, kitchen, study, bathroom and hall at ground floor level and two bedrooms and a bathroom at first floor level. The garden and parking area would be

shared with the main dwelling.

Planning Appraisal

11. The key issues to consider in the determination of this application relate to the impacts of the development upon the character and appearance of the countryside and the amenities of neighbours.
12. Policy HG/6 of the adopted LDF states that extensions to dwellings in the countryside will only be permitted where:
 - a. The proposed development would not create a separate dwelling or be capable of separation from the existing dwelling;
 - b. The extension does not exceed the height of the original dwelling;
 - c. The extension does not lead to a 50% increase or more in volume or gross internal floor area of the original dwelling;
 - d. The proposed extension is in scale and character with the existing dwelling and would not materially change the impact of the dwelling on its surroundings;
 - e. The dwelling is of permanent design and construction.
13. Policy H/12 of the emerging Local Plan removes reference to the height specific floor area and volume increase figures under parts b and c the adopted policy but retains parts a, d and e. This policy can be given some weight in the determination of the application given the lack of objections and status of the plan.
14. The existing piggery outbuilding is used as a garage. It has a length of 9.4 metres, width of 6 metres and height of 2.1 metres to the eaves and 4 metres to the ridge. The materials of construction are timber for the walls and corrugated sheeting for the roof. The building has a simple agricultural character and the scale and design of the building is considered to be appropriate to an outbuilding found in the countryside.
15. The proposed building would increase the ridge height of the building by 1.3 metres at single storey level and 2.2 metres at one and a half storey level. The length would increase by 5 metres. The building would have a domestic character and the scale and design of the building is not considered to be appropriate to a building found in the countryside as an annexe to a main dwelling.
16. Whilst it is acknowledged that the building would be subservient in scale and height to the main dwelling, it is still of a significant scale and is considered to materially change the impact of the site upon the surrounding countryside. The increase in the height and length of the building would result in a visually dominant development that would be seen from public viewpoints to the north and west of the site along the public footpath on Chalky Road. The design of the building with features such as a large number of windows, patio doors, a dormer window and roof lights would give the appearance of a domestic dwelling rather than an ancillary outbuilding and a visually incongruous building that would detract from the rural character of the site and surrounding area.
17. Although it is noted that the proposed development is an annexe and that it has been stated that the garden and parking area would be shared with the main dwelling, the siting of the building, layout of the site and scale of the building is considered to be capable of separation from the existing dwelling. The scale of the building would provide wholly independent living accommodation including two bedrooms, a hallway and study that you would find in a dwelling, the siting of the building is a significant distance from the dwelling being over 30 metres away and there is already a fence

that separates the main garden and parking area from the outbuilding. In addition, a new access could be easily created on to Chalky Road through the removal of a wire fence. Notwithstanding the above, the information submitted to support the application makes it clear that the main reason for the building is because the applicant's daughter and partner cannot afford to live in the area. Whilst there is some sympathy for the situation, it would not justify the provision of this scale of accommodation in this countryside location that could be used independently to the main dwelling when there are properties available in the district that are likely to be affordable. At the time of writing, a quick search on a property website revealed 86 houses below £250,000 within 10 miles of the site. This would be significantly closer to the site than the existing accommodation. The reference made in relation to the close proximity of the applicant's daughter to help with the management of the main dwelling is of limited weight given that there is not considered to be an essential need for someone to live on the site.

18. With reference to the application for dwellings in the area in the comments from the Local Member and applicant's agent, it should be noted that the application is for an annexe rather than a dwelling and the policy considerations in relation to an application for a dwelling and the impact upon the character of the area in terms of plot sizes and the sustainability of the site are not therefore relevant to this case.
19. The planning permission granted for annexes in the area put forward by the applicant would also not set any precedent for this development as each application is determined upon its own merits and in the case of both sites, they were the conversion and extension of existing buildings with more limited accommodation.
20. The development would not have an adverse impact upon neighbours or be detrimental to highway safety.
21. 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 not be granted in this instance.

Recommendation

22. It is recommended that the Planning Committee refuses the application for the following reasons: -
 - i) The proposed annexe, by virtue of its bulk, height and design, is not considered to be in scale and character with the existing dwelling and would materially change its impact on its surroundings. The increase in the length and height of the building together with the introduction of domestic features would detract from the existing low scale and simple agricultural character and appearance of the building and result in a visually dominant and incongruous development from viewpoints along the public footpath on Chalky Road. The proposal is therefore contrary to Policy HG/6 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 and Policy H/12 of the Local Plan Submission 2014 that states extensions to dwellings outside the village frameworks will only be permitted where the extension is in scale and character with the existing dwelling and would not materially change its impact on its surroundings.
 - ii) The proposed annexe, by virtue of its siting and scale is considered to be capable of separation from the existing dwelling. The siting of the building at a distance of over 30 metres from the main dwelling together with the provision

of a significant amount of living accommodation is considered to result in an independent unit that is easily capable of separation from the main dwelling particularly with regards to the existing layout of the site. The proposal is therefore contrary to Policy HG/6 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states extensions to dwellings outside village frameworks will only be permitted where the development would not create a separate dwelling or be capable of separation from the existing dwelling.

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.

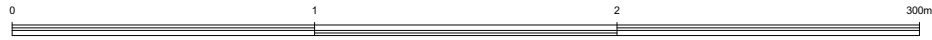
- National Planning Policy Framework (NPPF)
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- South Cambridgeshire Local Plan Submission 2014
- Planning File Reference S/2334/15/FL

Report Author:

Karen Pell-Coggins
Telephone Number:

Principal Planning Officer
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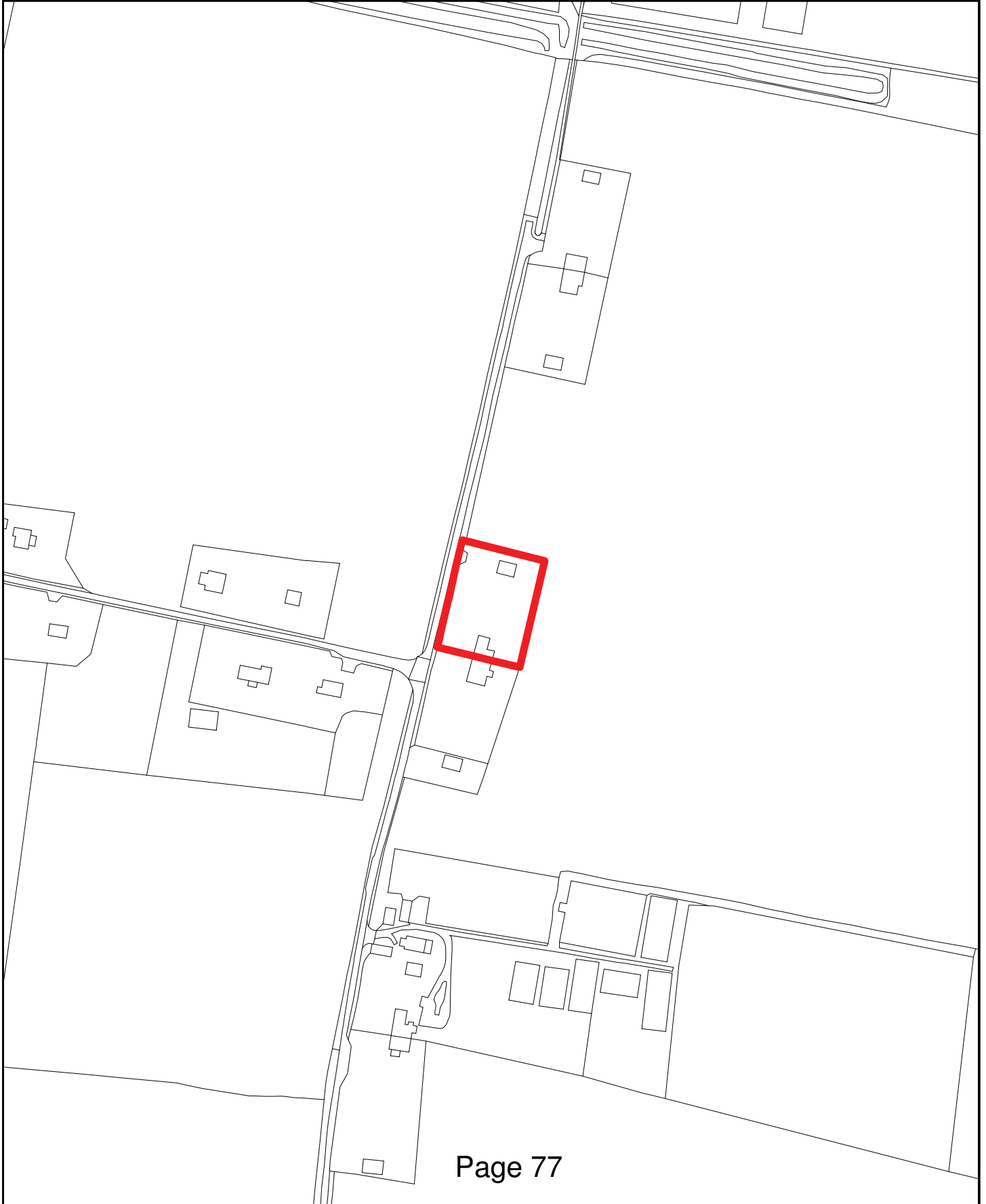
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Date of plot: 20/11/2015



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Agenda Item 10

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 December 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/1691/15/FL

Parish(es): Great Abington

Proposal: construction of Annexe Accommodation (Retrospective)

Site address: 8 Chalky Road

Applicant(s): Mr & Mrs Bowen and Mr & Mrs O'Farrell

Recommendation: Refusal

Key material considerations: Character and Appearance of the Area
Highway Safety
Neighbour Amenity

Committee Site Visit: No

Departure Application: No

Presenting Officer: Karen Pell-Coggins

Application brought to Committee because: Local Interest

Date by which decision due: 2 September 2015

Planning History

1. S/0162/13/FL - Conversion and Extension of Outbuilding to form Annexe - Approved
S/0179/04/F - Extension - Approved
S/01418/95/F - Extension - Approved
S/1666/88/F - Extension - Approved

National Guidance

2. National Planning Policy Framework 2012
National Planning Practice Guidance 2014

Development Plan Policies

3. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007**
DP/1 Sustainable Development
DP/2 Design of New Development

DP/3 Development Criteria
DP/7 Development Frameworks
HG/6 Extensions to Dwellings in the Countryside

4. **South Cambridgeshire Local Development Framework Supplementary Planning Documents**
District Design Guide SPD - Adopted March 2010
5. **South Cambridgeshire Local Plan Submission 2014**
S/7 Development Frameworks
HQ/1 Design Principles
H/12 Extensions to Dwellings in the Countryside

Consultation

6. **Great Abington Parish Council** – Recommends approval and makes the following comments: -
“We find this dwelling to be very appropriate for the site and in keeping with the area. The proposal is very in keeping with the Parish Council’s vision for the former Land Settlement Association Estate.”
7. **Local Highways Authority** – Comments that the development would not have a significant adverse impact upon the public highway. Request a condition to ensure that the annexe is tied to the existing dwelling.

Representations

8. The Local Member supports the application. Comments that Mr Farrell’s personal health circumstances mean that it is important he is able to live on one level and gain access to the outside. Understands that there were concerns over the roof and floor of the former building. Recommends that the application is approved.
9. The occupiers of Nos. 6 and 10 Chalky Road have no objections.

Site and Surroundings

10. The site is located outside the Great Abington village framework and in the countryside. No. 8 Chalky Road is a detached, one and half storey dwelling that is located on the southern side of a large plot. It has an access to the south and a number of existing single storey outbuildings on the northern side along with a vehicular access. There is a garden area in-between the dwelling and outbuildings. Chalky Road is a public footpath. The site lies within Flood Zone 1 (low risk).

Proposal

11. The proposal seeks retrospective permission for the erection of a detached, part one and a half storey and part single storey annexe for the parents of the occupiers of main dwelling following demolition of the former piggery outbuilding. The building would measure 17.2 metres in length, 6.3 metres in width and have a height of 3.5 metres to the eaves and 6.4 metres to the ridge. The materials of construction would be stained weatherboarding above a brick plinth for the walls and pantiles for the roof. The accommodation would provide a kitchen/sitting/dining room, hall/boot room and bathroom at ground floor level and a store and bathroom at first floor level. The garden would be shared with the main dwelling.

Planning Appraisal

12. The key issues to consider in the determination of this application relate to the impacts of the development upon the the character and appearance of the countryside and the amenities of neighbours.
13. Policy HG/6 of the adopted LDF states that extensions to dwellings in the countryside will only be permitted where:
 - a. The proposed development would not create a separate dwelling or be capable of separation from the existing dwelling;
 - b. The extension does not exceed the height of the original dwelling;
 - c. The extension does not lead to a 50% increase or more in volume or gross internal floor area of the original dwelling;
 - d. The proposed extension is in scale and character with the existing dwelling and would not materially change the impact of the dwelling on its surroundings;
 - e. The dwelling is of permanent design and construction.
14. Policy H/12 of the emerging Local Plan removes reference to the height specific floor area and volume increase figures under parts b and c the adopted policy but retains parts a, d and e. This policy can be given some weight in the determination of the application given the lack of objections and status of the plan.
15. The former outbuilding was used as stables. It had a length of 15.4 metres (including lean-tos), width of 6.1 metres and height of 2 metres to the eaves and 3.9 metres to the ridge. The materials of construction were timber for the walls and corrugated sheeting for the roof. The building had a simple agricultural character and the scale and the design of the building was considered to be appropriate to an outbuilding found in the countryside.
16. The approved annexe had a length of 17.5 metres, width of 6.2 metres and height of 3.4 metres to the eaves and 6.3 metres to the one and a half storey ridge and 2.6 metres to the eaves and 4/7 metres to the single storey ridge. The materials of construction were to be timber weatherboarding above a brick plinth for the walls and pantiles for the roof. The building retained the agricultural character. The scale and design of the building was considered to be appropriate to an outbuilding found in the countryside given that the accommodation provided was at ground floor level only.
17. The proposed building would the same scale externally as the approved annexe. However, it would provide additional accommodation at first floor level. The building would have additional roof lights that would increase its domestic character. The scale and the design of the building are not considered to be appropriate to a building found in the countryside as an annexe to a main dwelling.
18. Whilst it is acknowledged that the building would be subservient in scale and height to the main dwelling, it is still of a significant scale and is considered to materially change the impact of the site upon the surrounding countryside. The increase in the height and length of the building would result in a visually dominant development that would be seen from public viewpoints to the north and west of the site along the public footpath on Chalky Road. The design of the building with features such as a large number of windows and roof lights would give the appearance of a domestic dwelling rather than an ancillary outbuilding and result in a visually incongruous development that would detract from the rural character of the site and surrounding area when viewed from viewpoints along the footpath on Chalky Road.

19. Although it is noted that the proposed development is an annexe, the siting of the building, layout of the site and scale of accommodation within the building is considered to be capable of separation from the existing dwelling. The accommodation would be wholly independent including two bedrooms, a hallway/boot room that you would find in a dwelling, the siting of the building is a significant distance from the dwelling being over 30 metres away and there is already an outbuilding that separates the main garden and a separate access to the main dwelling.
20. Notwithstanding the above, the information submitted to support the application makes it clear that the main reason for the building was for Mr and Mrs Farrell due to ill health. Whilst there is some sympathy for the situation, it would not justify the provision of this scale of accommodation in this countryside location that could be used independently to the main dwelling. The reference made in relation to the close proximity of the applicant's daughter to help with the parents is of limited weight given that there is not considered to be an essential need for Mr and Mrs Farrell to live on site for medical reasons.
21. With reference to the application for dwellings in the area in the comments from the applicant's agent, it should be noted that the application is for an annexe rather than a dwelling and the policy considerations in relation to an application for a dwelling are not therefore relevant to this case.
22. The development would not have an adverse impact upon neighbours or be detrimental to highway safety.
23. 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 not be granted in this instance.

Recommendation

24. It is recommended that the Planning Committee refuses the application for the following reasons: -
 - i) The proposed annexe, by virtue of its design, is not considered to be in character with the existing dwelling and would materially change its impact on its surroundings. The introduction of domestic features would detract from the existing simple agricultural character and appearance of the building and result in a visually incongruous development from viewpoints along the public footpath on Chalky Road. The proposal is therefore contrary to Policy HG/6 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 and Policy H/12 of the Local Plan Submission 2014 that states extensions to dwellings outside the village frameworks will only be permitted where the extension is in scale and character with the existing dwelling and would not materially change its impact on its surroundings.
 - ii) The proposed annexe, by virtue of its siting and scale is considered to be capable of separation from the existing dwelling. The siting of the building at a distance of over 30 metres from the main dwelling together with the provision of a significant amount of living accommodation is considered to result in an independent unit that is easily capable of separation from the main dwelling particularly with regards to the existing layout of the site. The proposal is therefore contrary to Policy HG/6 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 that states

extensions to dwellings outside village frameworks will only be permitted where the development would not create a separate dwelling or be capable of separation from the existing dwelling.

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.

- National Planning Policy Framework (NPPF)
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- South Cambridgeshire Local Plan Submission 2014
- Planning File Reference S/1691/15/FL

Report Author:

Karen Pell-Coggins
Telephone Number:

Principal Planning Officer
01954 713230

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Date of plot: 20/11/2015



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Agenda Item 11

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 December 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/0595/15/FL

Parish: Barton

Proposal: Erection of single dwelling and detached garage

Site address: 46 High Street, Barton

Applicant(s): Mr Simon Johnson

Recommendation: Delegated Approval

Key material considerations: Local character, residential amenity, S106 contributions

Committee Site Visit: 6 December 2015

Departure Application: No

Presenting Officer: Andrew Winter, Senior Planning Officer

Application brought to Committee because: The recommendation of officers conflicts with that of the Parish Council.

Date by which decision due: 22 May 2015

Relevant Planning History

1. S/1575/96/O – Single dwelling (refused and dismissed at appeal)
S/2261/86/O – Two houses and garages (approved)
S/0710/87/D – Two houses and garages (approved)

Planning Policies

2. *National Planning Policy Framework (NPPF) 2012*
National Planning Practice Guidance
3. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007*

ST/6 Group Villages
4. *South Cambridgeshire LDF Development Control Policies, adopted July 2007*

DP/1 Sustainable Development

DP/2 Design of New Development
 DP/3 Development Criteria
 DP/4 Infrastructure in New Developments
 DP/7 Development Frameworks
 HG/1 Housing Density
 NE/1 Energy Efficiency
 NE/3 Renewable Energy Technologies in New Development
 NE/6 Biodiversity
 NE/9 Water and Drainage Infrastructure
 NE/10 Foul Drainage – Alternative Drainage Systems
 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

5. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*

District Design Guide SPD – Adopted 2010
 Open Space in New Developments SPD – Adopted 2009
 Trees and Development Sites SPD – Adopted January 2009
 Landscape and New Development SPD – Adopted March 2010
 Biodiversity SPD – Adopted July 2009

6 *Draft Local Plan*

S/1 Vision
 S/2 Objectives of the Local Plan
 S/3 Presumption in favour of sustainable development
 S/5 Provision of new jobs and homes
 S/7 Development Frameworks
 S/10 Group Villages
 CC/1 Mitigation and adoption to climate change
 CC/3 Renewable and low carbon energy in new developments
 CC/4 Sustainable design and construction
 CC/6 Construction methods
 CC/7 Water quality
 CC/8 Sustainable drainage systems
 HG/1 Design principles
 NH/4 Biodiversity
 H/7 Housing density
 SC/8 Open space standards
 SC/11 Noise pollution
 T/1 Parking provision

Consultation

7. **Barton Parish Council** - recommends refusal for the following reasons:

- a) The proposed structures are over large for the plot, resemble an industrial unit and are unsympathetic to the site.
- b) The sleeping area rising to 6.5m is intrusive and will cast shadow on nos. 48 and 50 on one side and on the natural garden and pond area of no. 44 on the other.

Both the sleeping block and the living area with its jagged roof will dominate and have a brutal impact on the first three bungalows in Great Close.

- c) The size and shape of the “lego block” buildings are out of keeping with neighbouring properties, as evidenced by view 01 in Page 10 of the Design Access Statement.
 - d) The progression from garage to sleeping quarters to living area seems a curious, impractical mix.
 - e) The parking spaces shown in the drawings will restrict access to the garages of nos. 48 and 50 opposite.
 - f) The willows in the adjoining garden of no.44 have preservation orders on them, but have been taken down to a manageable height. Councillors are keen that these trees should continue to provide a softer, green feel to this part of the village.
 - g) The Council believes that the owner of no. 44, Ms. Gail Webber, will be making an objection.
8. **Further comments of Parish Council (24 September 2015)** – “There is nothing in the amended tree report which would cause the Parish Council to change its recommendation of refusal. Barton PC endorses and supports the views of the South Cambs Tree Officer regarding this application.”
9. **Tree Officer** – “Having digested the report of Dr Frank Hope dated 8 September 2015 in which he addresses the comments of the Council’s previous tree officer, I am inclined to agree with his findings and conclusions. In summary it is reasonable to consider these trees to have a root protection area of 4.0m radius from the trunks and that regular pollarding (a management necessity) will mitigate nuisance.”
10. **Local Highway Authority** – The visibility splays of 2.4m x 43m shown on drawing 1415-31 Rev P02 are accepted. The access should be a minimum width of 5m for a minimum distance of 5m measured from the near edge of the highway boundary.
11. Conditions are recommended in relation to: the construction of any new dropped kerbs, falls and levels to the access and bound material to the access. An informative is recommended to advise the applicant about seeking permission to carry out any works to the public highway.

Representations

12. **Owners/Occupiers of 40, 44 & 48 High Street and 236 Wimpole Road** –
- Intrusive and overbearing to No.44 High Street
 - Loss of privacy
 - The full extent of the existing house at No.44 is not shown on the submitted plans
 - Large size of dwelling relative to the size of the plot
 - The dwelling does not relate well to its surroundings and the village setting
 - Impact of development on pond and protected trees to rear garden of No.44
 - Harm to local wildlife
 - The development will narrow the view down the internal road to the countryside

- and potentially create a wind corridor effect.
- Impact on outlook of No.48
- **Surface** water drainage

13. **Owner/Occupier of 50 High Street** – No objections to the development. It will be an improvement to the existing buildings/outlook.

Site and Proposal

14. The site is located within the village framework of Barton and outside of its conservation area. Existing access to the site is provided off the High Street and serves other residential properties. The willow trees on the adjoining land at No.44 High Street benefit from a Tree Preservation Order. The proposal is for a four bedroomed dwelling on land that is currently vacant

Planning Appraisal

15. The main issues to consider in this instance are the principle of the development and its sustainability in terms of economic, social and environmental objectives.

Principle of Development

16. 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 Barton as a Group Village where the construction of new residential dwellings within the framework is supported.
17. The proposed development would have been acceptable in principle having regard to adopted LDF and emerging Local Plan policies, had policies ST/6 and DP/7 not become out of date as a consequence of the Council not currently being able to demonstrate a five-year supply of deliverable housing sites.
18. The density of the proposal is accepted with regard to Policy HG/1 and taking into account the physical constraints of the site and its location. Consequently, the principle of a new dwelling in this location is considered acceptable.

Design and Local Character

19. The proposed dwelling is set back from the High Street with glimpsed views from the public highway. The dwelling would be sited amongst a small cluster of dwellings including No. 44 High Street, which has a positive impact on the local character. At the end of the access road the site gives way to open countryside and Green Belt beyond.
20. The concept for the development is similar to a farmstead with the dwelling and existing dwellings forming a small cluster of buildings in a courtyard formation. The overall massing of the buildings is broken down into three forms with the main barn-like element pulled away from the protected Willow trees. The function of the buildings is split into three separate forms with living in the single storey element to the rear, sleeping in the main barn-like element and parking in the detached garage to the front.
21. The design of the proposal aims to emulate the traditional barn-like form but is more

progressive and contemporary overall. This approach is not objected to as the proposal is set back from the High Street and presents its more traditional barn form nearest to the High Street and No.44 High Street. Its narrow gable form provides mitigation in terms of its overall massing as well as the glazed link separating the single storey element to the rear.

22. The unfinished look to the roof of the living area provides a spill out area towards the rear garden and protection from the elements. In context this element of the proposal is not traditional but is located further to the rear of the site allowing a more experimental form and design. On this basis the proposal is not considered to cause any adverse harm to the character area and the appearance of the proposal has the potential to create an interesting blend of contemporary and traditional forms. The materials of the proposal will be key to its successful integration and a condition is recommended to achieve this.
23. Sufficient space exists within the plot to accommodate the new dwelling and accord with the garden space requirements set out in paragraph 6.75 of the Council's District Design Guide 2010. Consequently, and notwithstanding the concerns of the parish council, the proposal is not considered to have an inappropriate design or layout and complies with Policies DP/2 and DP/3.

Residential Amenity

24. The main two storey bulk of the proposal would be distanced over 5m from the side boundary of No.44 and sited opposite the neighbouring rear kitchen doors. Whilst there would be some impact on the outlook from this window, overall, the narrow gable form together with its distance from the rear boundary would not be unacceptably adverse in terms of overbearing or overshadowing impact. No.44 High Street benefits from a wide plot and outlook from the rear of the property would remain open and not unduly reduced.
25. The window to bedroom 2 of the proposal and to the hallway has been screened by timber louvres to avoid direct overlooking of No.44. However, the gaps between these louvres could still give rise to the perception of overlooking and their timber construction could fail if not well-maintained. Consequently, these windows can be conditioned to secure details of obscure glazing or other measures to ensure overlooking is satisfactorily addressed.
26. The proposal is considered to be sufficiently divorced from the neighbouring property at Nos. 48 and 50 to avoid any unacceptable reduction in the level of amenity currently enjoyed by these properties.
27. A condition can be recommended to address the noise of power operated machinery during construction.

Ecology

28. Local concern has been raised regarding the impact of the proposal near to the protected Willow trees. The tree officer has carefully considered the additional information and justification for the dwelling in this location and has agreed with the consultant that the dwelling would not adversely harm these protected trees. Furthermore, the tree officer has advised that regular pollarding (a management necessity) will mitigate nuisance. Consequently, there is no strong reason why the proposal should be refused on this basis.

29. No adverse impact has been identified in terms of a nearby pond and on wildlife generally.

Surface Water Drainage

29. No detailed surface water drainage scheme has been submitted in the application and concern has been raised in case of overflow to the existing system. This is not considered to be a significant issue in this application and can be addressed at building regulations stage.

Access and Parking

30. The existing access serves two other dwellings and benefits from good visibility and hardsurfacing. Sufficient space exists on this road for two cars to pass by each other and the proposed on-site parking provision complies with Policy TR/2. A small stretch of the access road could potentially accommodate visitor parking, although it should be noted that this land does not fall within the application site.
31. The proposed parking on the application site would not restrict vehicular access or parking at neighbouring properties. The concern of the parish council would appear to relate to visitor parking on the access road, which falls outside of the scope of this application. Consequently the development benefits from safe access and suitable parking area and the recommended conditions of the local highway authority are not considered necessary in this instance.

Open Space and Indoor Community Infrastructure

32. Local Development Framework policies state that planning permission will only be granted for proposals that have made suitable arrangements towards the provision of infrastructure necessary to make the scheme acceptable in planning terms. Contributions towards open space, sport and recreation facilities, indoor community facilities and waste receptacles had been identified. Such provision cannot be made on site and can therefore only be provided by way of financial contributions.
33. Barton does not have 5 pooled contributions towards indoor community infrastructure or outdoor open space. Therefore the parish council has been invited to provide details of any specific protects of indoor community infrastructure or open play space that are relevant to the development. Open play space projects have been identified in the form of a skate ramp repair and new play equipment. The costings for this equipment have been detailed by the parish council along with alternative sources of funding. The outstanding funding for these projects comes to £12,000.
34. The development at 15 Comberton Road (S/0844/15/OL) has previously been approved in principle at a planning committee meeting. It will result in a net increase in two dwellings in the village and a S106 agreement is currently being prepared relative to these specific outdoor/recreation projects. Therefore to ensure a fair and proportionate approach based on the net increase in dwellings in the village (and subsequent new occupants) the 15 Comberton Road application will fund two thirds of these projects and the application at 46 High Street is required to contribute a third of the costs which amounts to £4000. This can be secured via S106 agreement.
35. Various electrical equipment (computers, tv and speakers) has been requested by the parish council to meet local community needs. Whilst this is desirable from a community perspective, the length of use gained out of this equipment is not guaranteed as such equipment can break. Furthermore, the request for such

equipment is argued to stray from the meaning of indoor community infrastructure. Consequently, officers are of the view that this equipment is unnecessary to make the development acceptable in planning terms relative to Policy DP/4.

Recommendation

36. Officers recommend that the Committee approve the application, subject to:

Requirements under Section 106 of the Town and Country Planning Act 1990

- (a) Completion of an agreement confirming payment of the following:
- £666.6666 towards the refurbishment of the skate ramp
 - £3333.3333 towards the improvement of play facilities
 - £69.50 towards waste receptacles

Conditions

- (a) Time Limit (3 years) (SC1)
(b) Drawing numbers (SC95)
(c) Materials for the dwelling (SC13)
(d) Materials for the garage (SC13)
(e) Parking area to be provided prior to occupation of the dwelling
(f) Noise (SC38)
(g) Window details to be agreed for the first floor bedroom 2 and hallway window to prevent overlooking
(h) Tree protection measures

Informatives

- (a) Consent of the local highway authority required for any works to the public highway

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 (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted July 2007)
- Planning File Ref: S/0844/15/OL, S/1575/96/O, S/2261/86/O & S/0710/87/D.

Report Author:

Andrew Winter
Telephone Number:

Senior Planning Officer
01954 713082

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Agenda Item 12

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 December 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/2383/15/FL

Parish: Elsworth

Proposal: Erection of a single storey rear extension

Site address: 10 Smith Street, Elsworth

Applicant(s): Mr Jason Clarke

Recommendation: Delegated Approval

Key material considerations: Local character, residential amenity

Committee Site Visit: No

Departure Application: No

Presenting Officer: Alison Twyford, Senior Planning Officer

Application brought to Committee because: The applicant is employed by South Cambridgeshire District Council.

Date by which decision due: 15 December 2015

Relevant Planning History

1. No planning history

Planning Policies

2. *National Planning Policy Framework (NPPF) 2012*
National Planning Practice Guidance
3. *South Cambridgeshire LDF Development Control Policies, adopted July 2007*
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/7 Development Frameworks
CH/5 Conservation Areas
4. *South Cambridgeshire LDF Supplementary Planning Documents (SPD):*
District Design Guide SPD – Adopted March 2010
Development Affecting Conservation Areas SPD – Adopted 2009

Consultation

5. **Elsworth Parish Council** - recommends approval

Representations

6. No representations were received in relation to this application.

Site and Proposal

7. The site is located within the village framework of Elsworth and is within the conservation area. The proposal seeks to erect a single storey rear extension to the existing terrace dwelling which will be 5.2m in depth, 5.2m in width (with a reduction at an angle to the north elevation) and 2.8m in height with a flat roof.

Planning Appraisal

8. The main issues to consider in this instance are impact on the character and appearance of the area, and neighbour amenity impact.

Impact on character of the area

9. As the property lies within the village conservation area, special attention should be paid to the desirability of preserving or enhancing the character and appearance of that area.
10. It is considered that the proposed development will not have an adverse impact upon the character and appearance of the dwelling or the area.
11. The proposal consists of adding single storey rear extension to the existing property, which is similar in size and design to an extension at the neighbouring property. The extension will be constructed using matching materials to the existing dwelling. Officers do not consider that the proposal will have a detrimental impact on the character of the existing property.
12. The proposal has been assessed against, Policy DP/2 (criterion F) which requires that all new development be compatible with its location and appropriate in terms of scale, mass, form, siting, design, proportions, materials texture and colour in relation to the surrounding area and is considered acceptable.
13. The extension is considered to appear subservient to the host dwelling.
14. There is a mix of housing types within the areas, some of which have had extensions and vary in style. The extension proposed is not considered to be out of character with the locality.

Residential Amenity

15. Officers do not consider that the proposed development will have a detrimental impact upon the amenity of the neighbouring properties or the visual amenity of the local area.
16. Officers do not consider that the proposal will create any significant issues of overshadowing or loss of light.

Recommendation

17. Officers recommend that the Committee approve the application, subject to:

Conditions

18. (a) Time Limit (3 years) (SC1)
(b) Drawing numbers (SC95)

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 Development Control Policies DPD (adopted July 2007)
- Planning File Ref: S/2383/15/FL

Report Author:

Alison Twyford
Telephone Number:

Senior Planning Officer
01954 713264

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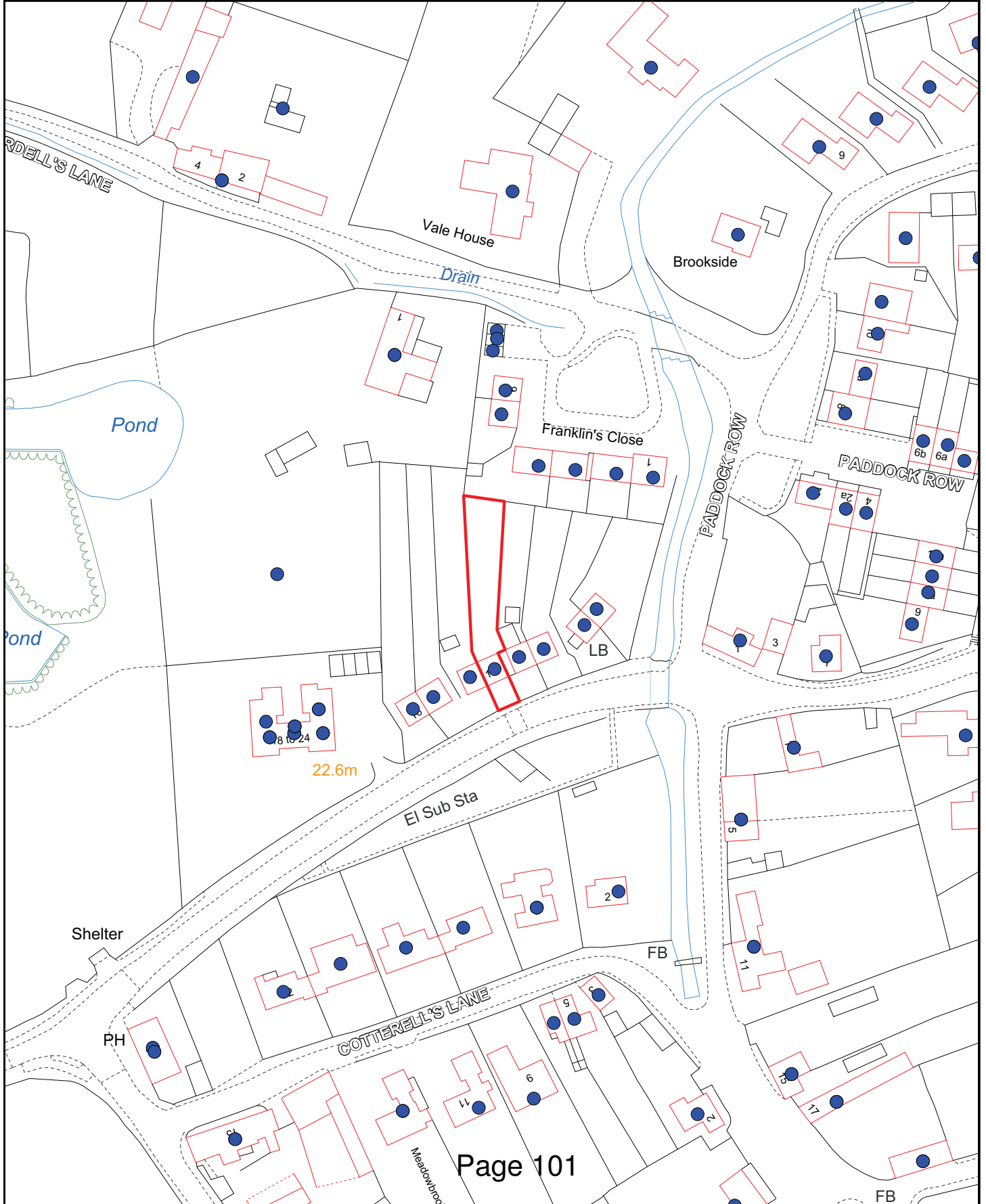
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Agenda Item 13

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 December 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/2462/15/PO

Parish: Girton

Proposal: Application to discharge planning obligations (S106) of planning application S/1556/14/FL for conversion of one dwelling to separate dwellings

Site address: 6-8 Giffords Close, Girton

Applicant(s): Ms Barbara Uscinska

Recommendation: Approval

Key material considerations: Appropriateness of infrastructure contributions

Committee Site Visit: No

Departure Application: No

Presenting Officer: Lydia Pravin, Senior Planning Officer

Application brought to Committee because: The application is of a type for which officers do not have delegated powers to determine .

Date by which decision due: 16 November 2015

Relevant Planning History

1. S/1556/14/FL – 6-8 Giffords Close – Conversion from one dwelling to two separate dwellings – approved

Planning Policies

2. *National Planning Policy Framework (NPPF) 2012*
National Planning Practice Guidance
3. *South Cambridgeshire LDF Development Control Policies, adopted July 2007*

DP/4 Infrastructure in New Developments
SF/10 Outdoor Playspace, Informal Open Space and New Developments
SF/11 Open Space Standards TR/1 Planning for More Sustainable Travel
4. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*

Open Space in new Developments SPD – Adopted 2009

5. *Draft Local Plan*

S/1 Vision

S/3 Presumption in favour of sustainable development

SC/7 Outdoor Playspace, Informal Open Space and New Developments

SC/8 Open space standards

Consultation

6 **Girton Parish Council** – No representations received

7. **Legal Officer** - No Section 106 is required due to the exceptional circumstances of this case

Representations

8. None received.

Site and Proposal

9. The site lies within the Girton village framework. Planning application S/1556/14/FL granted permission for conversion of one dwelling into two dwellings. The application was subject to a signed S106 agreement dated 8 October 2014 requiring contributions towards off-site community space provision (£513.04) and off-site public open space provision (£3104.38). These monies were to be paid prior to the occupation of the dwelling..

10. This application seeks to revoke the S106 agreement so that all required contributions are removed.

Planning Appraisal

11. The original planning application was approved on the basis that S106 monies would be collected for the provision towards community facilities and open space. This was in accordance with the Council's adopted policy SF/10 and SF/11 of the Local Development Framework.

12. More recently National Planning Policy has sought to introduce a new national threshold on contributions. This was introduced following a Ministerial Statement made on 28 November 2014. However, following a Judicial Review of the Ministerial Statement the new national threshold which resulted from the Ministerial Statement has been removed from Planning Practice Guidance.

13. There remains restrictions on the use of section 106 agreements, however, resulting from the Community Infrastructure Levy Regulations 2010 (amended). CIL Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for the development of the obligation is (i) Necessary to make the development acceptable in planning terms, (ii) Directly related to the development; and (iii) Fairly and reasonably related in scale and kind to the development.

14. CIL Regulation 123 has the effect of restricting the use of pooled contributions. In accordance with Planning Practice Guidance “When the levy is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that made be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy.” The pooling is counted from 06 April 2010.
15. More than five planning obligations have been entered into for developments in the village of Girton. Planning application S/1556/14/FL was determined prior to pooling restrictions becoming operative in April 2015 and the approved development has now been completed, although the property is not yet occupied.
16. 6-8 Giffords Close was originally a pair of semi-detached dwellings built in 1963, but then converted internally into one dwelling in 1992. When application S/1556/14/FL was determined the appearance externally conveyed that of two semi-detached dwellings numbered 6 and 8 Giffords Close, respectively with separate driveways. The conversion back to two dwellings was approved and only involved reinstating a wall internally and externally adding a fence halfway between the dwellings at the rear.
17. As the two properties have been returned to their original condition, officers have concluded this represents an exceptional circumstance. Coupled with the changes in recent legislation and the existing number of pooled contributions collected for Girton, it would no longer be reasonable to enter into a section 106 agreement to secure developer contributions. The proposed development is not deemed to require improvement or provision of infrastructure to make the scheme acceptable in planning terms in accordance with policy DP/4, SF/10 and SF/11. It therefore follows that it is no longer reasonable to insist that the terms of the existing s106 agreement are enforced.
18. For the reasons presented above, the application to remove the requirement for contributions should be approved.

Recommendation

19. Officers recommend that the Committee approve the application subject to:

Requirements under Section 106 of the Town and Country Planning Act 1990

20. (a) Drafting and completion of a revised legal agreement to discharge the terms of the existing s106 agreement

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 Development Control Policies DPD (adopted July 2007)
- Planning File Refs: S/1556/14/FL, S/2462/15/PO

Report Author:

Lydia Pravin
Telephone Number:

Senior Planning Officer
01954 713020



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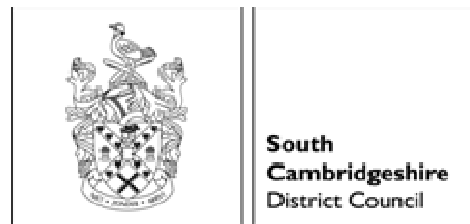
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Agenda Item 14



REPORT TO: Planning Committee

2 December 2015

LEAD OFFICER: Planning and New Communities Director

Enforcement Report

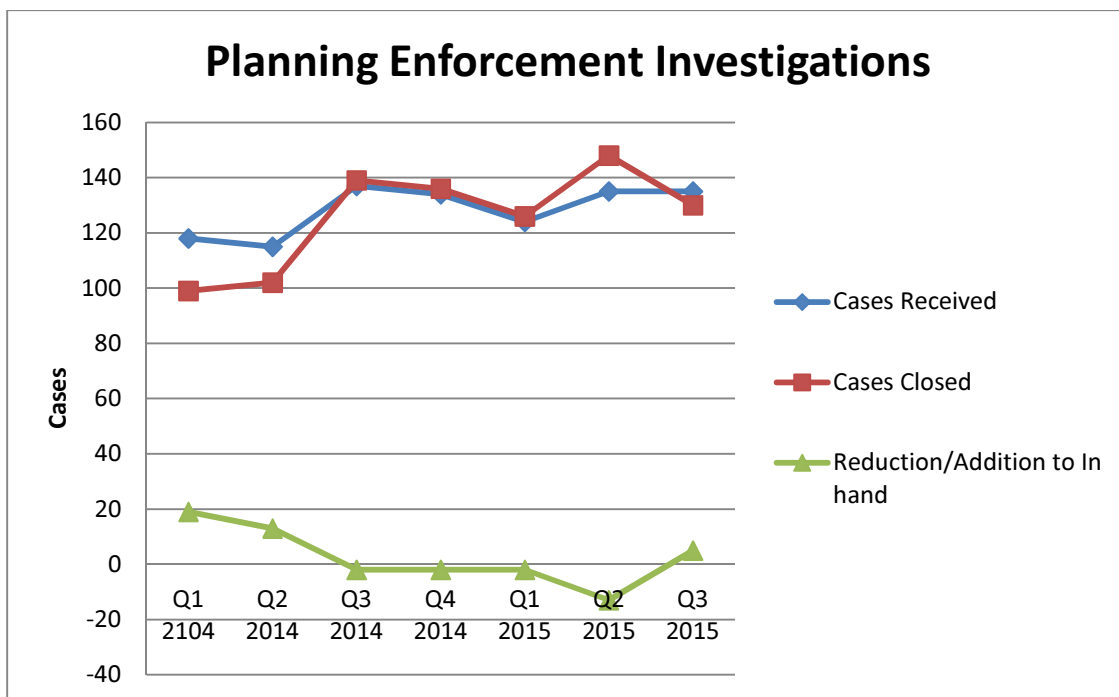
Purpose

1. To inform Members about planning enforcement cases, as at 20 November 2015. Summaries of recent enforcement notices are also reported, for information.

Enforcement Cases Received and Closed

2.

Period	Cases Received	Cases Closed
1 st Qtr. 2015	124	126
2 nd Qtr. 2015	135	148
3 rd Qtr. 2015	135	130
October 2015	43	37
2015 YTD	437	441
2014	504	476



Enforcement Cases on hand:

- 3. Target 150
- 4. Actual 92

Notices Served

5.

Type of Notice	Period	Year to date
	October 2015	2015
Enforcement	0	12
Stop Notice	0	0
Temporary Stop Notice	1	4
Breach of Condition	2	18
S215 – Amenity Notice	0	4
Planning Contravention Notice	1	5
Injunctions	0	1
High Hedge Remedial Notice	0	1

Notices issued since the last Committee Report

6.

Ref. no.	Village	Address	Notice issued
PCN/0005/15	Hardwick	3 Laxton Avenue	Planning Contravention Notice
GAD/SCD. 8913	Bourn	Rockery Farm Broadway	Temporary Stop Notice

SCDC-ENF 008973	Gt Shelford	176/178 Cambridge Road	Breach of Condition Notice
SCDC-ENF 008902	Barton	25 Comberton Road	Breach of Condition Notice

7. Details of all enforcement investigations are sent electronically to members on a weekly basis identifying opened and closed cases in their respective areas along with case reference numbers, location, case officer and nature of problem reported.

8. **Updates on items that are of particular note**

a. Stapleford: Breach of Enforcement Notice on land adjacent to Hill Trees, Babraham Road.

Work still in progress regarding legal action relating to the current breach of enforcement. Additional concern noted since the March report regarding the stationing of a mobile home on the nursery land section and the importation of brick rubble to form a track to link the upper field to the main residence. Assessment to the Planning Contravention response and the site inspection 10th May 2013 has confirmed the breach of planning control relating to the engineering operation to the new track, and breaches relating to the planning enforcement notices. A report to the planning committee was prepared and submitted. The Committee authorised officers to apply to the Court for an Injunction under Section 187B of the Town and Country Planning Act 1990. Members agreed the reasons for the application as being the desire to protect and enhance the character and amenity of the immediate countryside and the setting of Cambridge, Stapleford and Great Shelford in view of the site's prominent location, and the need to address highway safety issues arising from access to the site directly from the A1307

The draft statements supporting the proposed proceedings have now been considered by Counsel with further information and authorisations being requested in order that the Injunction application can be submitted.

In May 2014, Committee resolved to give officers the authority sought and further work on compiling supportive evidence undertaken since. Periodic inspections of the land have been carried out, most lately in April 2015 (confirming occupation has not ceased, and that breaches of control are continuing and consolidating). Statements accordingly being revised and finalised to reflect; injunction proceedings still appropriate and proportionate to pursue

A claim against the occupier of the land in which the Council is seeking a planning injunction has now been issued in the High Court. A Defence has since been lodged to the Council's proceedings, and an attempt is being made to issue Judicial Review proceedings challenging the resolution to seek an injunction.

Following consideration of the documents lodged by the Claimant and Acknowledgement of service filed by the defendant, permission was refused; the application was considered to be totally without merit. Order by Rhodri Price Lewis QC, sitting as a Deputy High Court Judge - Injunction application, has been listed for an initial hearing at the High Court on 24 September; Hearing postponed due to the health of the defendant, hearing re-listed for 17 November 2015.

The Judicial Review application was rejected by Mr Justice Lindblom at the Court of Appeal. His Honour Mr Justice Park QC further dismissed an adjournment application made by the occupier of the land, and proceeded with the Injunction hearing. The Order being sought was granted in full with an Order for the Councils costs to be paid. An Injunction now exists that restrains the occupier of the land in respect of the unauthorised development at Hill trees represented by the commercial storage, car sales, and non-consented operational works that have occurred there. The injunction allows 56 days for unauthorised sales and storage activity to cease and for the removal from the land of all associated vehicles, parts, plant, machinery, materials, caravans, and of the roadway surface that has been laid within the site without planning permission. The site will now be monitored for compliance.

b. Plot 11, Orchard Drive – Smithy Fen

Application received for the change of use of plot 11 Orchard Drive to provide a residential pitch involving the siting of 1 mobile home and one touring caravan, an amenity building for a temporary period until 2 May 2018.

The application has in accordance with section 70C of the Town & Country Planning Act 1990 been declined. The applicants have applied for permission for a Judicial Review.

Permission granted by the Honourable Mrs Justice Patterson DBE, Grounds to resist being filed both by the Council and by the Secretary of State for Communities and Local Government as second defendant. The Judicial review which was set for 29th October 2015 has taken place and the Council is now waiting for the outcome to be published.

c. Land at Arbury Camp/Kings Hedges Road

Failure to comply with planning conditions at land known as Parcel H1, B1 and G Under planning references S/0710/11, S/2370/01/O, S/2101/07/RM, 2379/01/O and S/1923/11

Notices part complied, remaining items under review

Further six breach of conditions notices issued relating to landscaping
A Site inspection with local parish, landscaping, planning and representatives from persimmon homes has now taken place, and that appropriate steps are being taken to remedy the identified breaches of Conditions – Works now underway to comply with the planning conditions previously identified

d. 113b High Street Linton – Winners Chinese Take-Away

Windows & doors not fitted as per approved drawing. Breach of Conditions Notice served 19th February 2015. Changes made but windows and doors still not in accordance with approved drawing. Summons file submitted. Date set for the 3rd September 2015 Cambridge Magistrates Court – The defendant was found guilty and fined £1000.00p + costs. Works to be carried out to ensure compliance with approved drawings - Monitoring continues

e. Sawston Football Club

Failure to comply with pre-commencement conditions relating to planning reference S/2239/13 – Current site clearance suspended whilst application to discharge conditions submitted by planning agent. Application to discharge pre-commencement conditions received - Site monitoring continues

f. 176 – 178 Cambridge Road Great Shelford

Erection of 70 bedroom Residential Care home with ancillary accommodation – Planning reference S/0600/13/FL. Condition 14 contained within the planning permission requires the developer to park contractor vehicles within the curtilage of the site and not on street.

Currently neighbours are complaining that as many as 25 contractor vehicles are parking in the streets adjacent to the site. Warnings have been issued to the site management but despite these there is still a breach of condition that needs to be addressed. A Breach of condition notice has now been issued in order to remedy this breach. Arrangements have since been made for staff to park at two different sites locally and are to submit a further planning application to vary the current traffic plan condition.

Summary

9. As previously reported Year to date 2014 revealed that the overall number of cases investigated by the team totalled 504 cases which was a 1.37% decrease when compared to the same period in 2013. The total number of cases YTD 2015 totals 437 cases investigated which when compared to the same period in 2014 is a 7.84% increase in the number of cases investigated.
10. In addition to the above work officers are also involved in the Tasking and Coordination group which deals with cases that affect more than one department within the organisation, including Environment Health, Planning, Housing, Anti-Social behaviour Officers, Vulnerable Adults and Safeguarding Children Teams. Strategic Officer Group, dealing with traveller related matters

Effect on Strategic Aims

11. This report is helping the Council to deliver an effective enforcement service by

Engaging with residents, parishes and businesses to ensure it delivers first class services and value for money

Ensuring that it continues to offer an outstanding quality of life for its residents

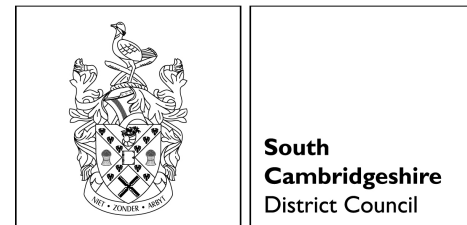
Background Papers:

The following background papers were used in the preparation of this report: None

Report Author: Charles Swain – Principal Planning Enforcement Officer
Telephone: (01954) 713206

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Agenda Item 15



South
Cambridgeshire
District Council

REPORT TO: Planning Committee
LEAD OFFICER: Planning and new Communities Director

December 2015

Appeals against planning decisions and enforcement action

Purpose

1. To inform Members about appeals against planning decisions and enforcement action, and proposed hearing and inquiry dates, as of 23 November 2015. Summaries of recent decisions of importance are also reported, for information.

Decisions Notified By The Secretary of State

2.	Ref.no	Address	Detail	Decision & Date
	S/0462/14/FL	Wallington Farm Land at Morden Grange Farm Odsey	Erection of agricultural fertilizer storage tank	Allowed 01/10/15
	S/3019/14/FL	Mr A Moran Tiptofts House Station Road Harston	Two single storey dwellings	Dismissed 01/10/15
	S/0305/15/FL	Mr & Mrs Dockerill Common Lane Farm Common Lane Sawston	Erection of worker's dwelling	Allowed 02/10/15
	S/0407/15/PB	Enterprise Nuseries Ely Road Landbeach	Prior Approval for change of use from agricultural to two dwelling houses	Dismissed 08/10/15
	S/0960/13/FL	66 Abbey Street, Ickleton	Change of use of annex to form separate dwelling	Dismissed 09/10/15
	S/0734/15/FL	Mr & Mrs Elliott Stewart 56 North Road Great Abington	Demolish existing building and construct living accommodation for dependent relatives	Allowed 16.10.15
	S/2893/14/FL	Professor Tucker Oak Cottage High Street Drayton	Proposed bridge and vehicular access	Allowed 02/11/15
	S/2893/14/FL	Professor Tucker Oak Cottage High Street Drayton	Proposed bridge and vehicular access	Costs Allowed 02/11/15

Appeals received

3.

Ref. no.	Address	Details	Appeal Lodged
S/0462/15/FL	Mrs D Clark Rear 11 Station Road Oakington	Bungalow	07/09/15
PLAENF.1,1671	Mr A Kyprianou 34 Mingle Lane Stapleford		07/09/15
S/0533/15/FL	Mr S Fordham 211 Wimpole Road Barton	Extensions	09/09/15
PLAENF.1,634	Mr T Gray 8 Quy Wateres Teversham		11/09/15
S/1248/15/FL	Mr O Lines Land NW of 14 Ivatt Street Cottenham	Erection of 4 dwellings	11/09/15
S/1227/15/FL	Mrs Hardisty 2 Bury Farm Cottage Newmarket Road Stow cum Quy	Extension and Garage	22/09/15
S/0277/15/FL	Mr N Murkitt 47 London Road Stapleford	Proposed valeting Bay	25/09/15
S/1279/15/OL	Mr & Mrs Cihan 14 Brook Street Elsworth	Dwellings	29/09/15
S/1098/15/OL	Mr Rahman 1 High Street Teversham	2 Dwellings	30/09/15
S/1539/15/FL	Mr G Moody 43 High Street Harston	Dwelling	01/10/15
S/0920/15/FL	Mr T Jack Rear of 11 Finchs Field Little Everdsen	Dwelling	07/10/15
S/0642/15/FL	Mr C Wren 23 The Doles Over	Change of Use of land and enclosed with wooden fence	08/10/15
S/1396/15/FL	Mr A Knight Spinney Hill Farm Newton Road Whittlesford	Change of Use Agricultural holding to burial ground, demolition of associated buildings	09/10/15
S/1441/15/FL	Mrs K Imran 4 Caribou Way Teversham	Dwelling	12/10/15
S/1651/15/FL	Dr P Brimblecombe The Old Dairy Manor Farm Mill Way Grantchester	Extension	12/10/15

S/1652/15/LB	Dr P Brimblecombe The Old Dairy Manor Farm Mill Way Grantchester	Extension	12/10/15
S/0916/15/FL	D Crammer Thatchways Little Green Guilden Morden	Demolition of existing buildings, Erection of Dwelling	23/10/15
S/0619-15-FL	Mr A Oliver 3 The Crescent Impington	Dwelling	27/10/15
S/1661/15/FL	Mr Crickmore The Barn Chesterton Fen Road Milton	Erection of garage following demolition of existing stable building	29/10/15
S/2079/15/VC	Mr J Page The Travellers Rest Caravan Park Ely Road Chittering	Variation of Conditions 2 (Approved Plans) & 3 (Use of Areas)	05/11/15
S/1499/15/FL	Mr & Mrs Hayer 38 High Street Foxton	Dwelling	09/11/15
S/0724/15/VC	Mr Aktar House 1 & 2 Fowlmer Road Heydon	Variation of condition 2	09/11/15
S/1102/15/FL	Rieter, Tulley & The Angelica Honey-ward Trust 5 Icen Way Cambridge	Change of Use and Extensions	16/11/15
S/0276/15/OL	Mr J Hilbery 8 Greenacres Duxford	Up to 35 Dwellings	17/11/15
S/0684/15/FL	Mrs L Alberg 22 Crossway Linton	New Dwelling House	18/11/15

Local Inquiry and Informal Hearing dates scheduled before the next meeting.

4.

Ref. no.	Name	Address	Hearing/Inquiry
S/1451/14/FL S/1476/13/LD S/2097/14/VC	Mr T Buckley	The Oaks Willingham	Inquiry 12/01/16 Confirmed
S/1888/14/OL	Hackers Fruit Farm & Garden Centre	Huntingdon Road Dry Drayton	Hearing 19/01/16 Confirmed

S/1248/15/FL	Aspire Residential Ltd	Land North West of 14 Ivatt Street Cottenham	Hearing 20/01/16 Offered
S/2822/14/OL	Gladman Dev Ltd	Land off Shepreth Road Foxton	Inquiry 09/02/16 Confirmed
S/2409/14/FL	Sawston Solar Farm Limited	Land North of Dales Manor Business Park, Sawston	Hearing 22/03/16 Confirmed
PLAENF.	Mr B Arliss Riverview Farm Overcote Road Over	Riverview Farm Overcote Road Over	Inquiry 26/04/16 Confirmed

Summaries of Appeals

5. None

Background Papers: the following background papers were used in the preparation of this report: None

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