

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 12 September 2018
AUTHOR/S: Joint Director for Planning and Economic Development

Application Number: S/1178/18/FL

Parish(es): Arrington

Proposal: Part Demolition of Existing Buildings and Erection of Four New Buildings to Comprise Holiday Let Accommodation and Conversion and Extension of Existing Buildings to Provide Gym, Office, Garage and Laundry Ancillary to Holiday Let Accommodation

Site address: 17 Mill Lane

Applicant(s): **NAME REDACTED**

Recommendation: Approval

Key material considerations: Principle of Development
Character and Appearance of the Countryside
Highway Safety
Neighbour Amenity
Biodiversity
Trees/ Landscaping

Committee Site Visit: Yes

Departure Application: No

Presenting Officer: Karen Pell-Coggins, Senior Planning Officer

Application brought to Committee because: Request from Local Member and Arrington Parish Council and due to additional comments being received following further consultation.

Date by which decision due: 12 September 2018

Summary

1. This application was considered at the 11 July Planning Committee meeting where members gave officer delegated powers to approve the application subject to confirmation that consultation letters on the revised plans had been sent to all neighbours, thus giving them a proper opportunity to comment.
2. Unfortunately, letters were not sent to all neighbours. This process has now been carried out and the consultation period expired on 10 August 2018. In addition, certificate B has been submitted that provides details of the owners of the access from the A1198 and notice has been served on the owners.

3. At the time of report writing, five additional letters of representation have been received. Two letters of objection have been received from local residents that did not previously comment on the application. One letter of objection has been received from the previous owner of the applicant's property. Two letters of objection have been received from local residents that commented previously. Members will be updated of any further comments received after this report is published at the meeting itself. Additional considerations raised are set out in the planning assessment section of the report. Comments received in respect of refuse storage have resulted in an additional planning condition.
4. Please see **Appendix 1** for a copy of the original report. This report provides an update to reflect the additional material considerations raised. Officers do not consider that the additional material considerations raised are significant to change the original decision and recommend approval of the application.

Consultation

5. **Arrington Parish Council** – Comments on the revised information is awaited and members will be updated verbally at the meeting.
6. Originally recommended refusal and had the following comments: -

The private road which had a right of way to existing properties, which would be the only access to the proposed development. The access from the busy A1198 is a single track unadopted farm track over half a mile long with very poor surfaces and a lack of passing places. There is a dangerous corner by the old mill house with poor visibility leading to the farm yard where vehicles and pedestrians on the track may encounter large and heavy farm machinery. There have been a number of near misses recently at this location.

The proposed site can only be accessed by driving through the farm. The Farmer has a number plate recognition system installed and over a 24 hours period there had been 80 plus vehicle movements. In 2006, when an application for change of use was made permission was refused permission due to the traffic on the road and access from the A1198. There are no passing places for vehicles. Four holiday properties would substantially increase the traffic movements and make the road deteriorate further. There are no public footpaths so the road would be the only option for pedestrians.

A precedent had also been set by South Cambridgeshire District Council Planners who refused a planning application to use an existing annexe as a separate dwelling as it would be contrary to Policy SE8 in the Local Plan, Policy P1/2 in the Structure Plan, and advice in PPS7.

Formally requests that the application be considered by the planning committee.

7. **Local Highways Authority** – Comments originally and as amended that as Mill Lane is a private road and its existing access affords suitable inter vehicle visibility splays and width at the junction with the adopted public highway, no significant adverse effect upon the public highway should result from this proposal.

The inter visibility splays for a 50 miles per hour road is 2.4 metres x 160 metres which in a northerly direction goes to the access of Home Farm and in a southerly direction to No. 69 Ermine Street both of which can be seen from the entrance to Mill

Lane before the landscape falls away.

While the amount of traffic that a piggery would generate would probably be lower than the holiday lets, they could be year round and of a different nature e.g. Large tractors and trailers as opposed to single domestic vehicles. The number of movements advised is quite low and equates to one every seven minutes.

There would potentially be an increase in hazard due to the increase in traffic on to the A1198 but this is not seen as severe and the Local Highway Authority has no substantive grounds for requesting that the application is refused.

Applications for dwellings in the area were not refused on highway safety grounds and it is clear that a moderate increase in traffic without unduly increasing the hazard to the public highway is acceptable.

The traffic levels in relation to application S/1427/06/F included the existing and proposed uses and were not known. In addition, the speed limit at that time along the A1198 was 60 miles per hour.

Representations

8. Since the last Planning Committee, Two letters of objection have been received from local residents that did not previously comment on the application. One letter of objection has been received from the previous owner of the applicant's property. 13 letters of objection have been received from local residents that commented previously. Letters of objection have also been received from a planning consultant and the National farmers Union supporting one of the resident's comments. Seven letters of support have been received that commented previously. The following new concerns have been raised: -
 - i) Previous proposals for dog kennels and dog grooming not supported due to noise potential.
 - ii) Disturbance to quiet enjoyment of public rights of way.
 - iii) Increase in risk of crime.
 - iv) Health and safety concerns as a working farm.
 - v) Moral objection to holiday lets on a working farm.
 - vi) Adequate parking, cycle and refuse storage facilities and access safe for road users and pedestrians.
 - vii) Slight loss of trees and hedges and damage to grass verges alongside access.
 - viii) Precedent for future developments.
 - ix) Right of way across applicants land.
 - x) Backland development and width of access.
 - xi) Accident risk from working farm.
 - xii) Efficient and effective operation of farmyard.
 - xiii) Annual shoot at nearby farm.
 - xiv) Need for business plan.
 - xv) Agricultural tie.
 - xvi) Use as residential dwelling.
 - xvii) Turning on private road.
 - xviii) Overdevelopment.

Planning Assessment

9. Planning Committee resolved to grant planning permission at the last meeting subject to safeguarding conditions including the withdrawal of permitted development rights.

10. The committee minutes state the following: -

“Committee members established that part only of Mill Lane had a hard surface but that space existed to accommodate vehicle passing spaces. The intention was that the lets should be short-term holiday lets only. It was confirmed that the proposed gym and retail facilities would be for the benefit only of those staying in the holiday lets. The applicant confirmed that he would be prepared to pay for the hard surfacing of the whole of Mill Lane, but pointed out this would need consent from the landowner. Members were informed that some residents of Mill Lane apparently had not been notified about the application.

*The Committee gave officers **delegated powers to approve** the application subject to:*

- 1. Officers being satisfied with the effectiveness of the public consultation;*
- 2. The removal of Permitted Development Rights;*
- 3. The Conditions and Informatives set out in the report from the Joint Director for Planning and Economic Development, with any minor amendments to these being agreed by officers in consultation with the Planning Committee’s Chairman and Vice-Chairman.”*

11. Members therefore only need to consider the additional issues raised as set out above in paragraph 8 as to whether these in themselves result in a material change to the original decision.
12. The new NPPF published on 24 July 2018 does not result in any material change to policy as paragraph 83 continues to encourage sustainable rural tourism that respects the character of the countryside.

Planning history of site

13. No precise details of the previous enquiry for the site are known. However, it is likely that a use for dog kennels would have resulted in noise levels over and above the proposed use as holiday accommodation. In addition, due to the commercial nature of the use, it is likely that it would have resulted in a greater amount of traffic using the access than would be generated by the proposed use.

Public rights of way

14. The nearest public right of way is at least 200 metres from the site, and the buildings form an inward looking courtyard form of development. As such, the development is not considered to detrimentally affect the quiet enjoyment of the right of way.

Risk of crime

15. The development is not considered to result in a significant increase in the risk of crime to the area as the proposal is limited in scale and will be managed by the owner who lives on site.

Working farm

16. The site is not part of a working farm. Whilst the access runs along the edge of a farmyard, it is separate from the main working area. This current arrangement will not change and visitors to the holiday lets can be warned about this in advance.

Parking, cycle and refuse Storage

17. The seven vehicle parking spaces on the site is considered appropriate as this would provide one space for each one bed unit and two spaces for the two bed unit. A cycle parking store has been provided with space for approximately four cycles that would equate to one space per unit. This is considered satisfactory. A condition would be attached to any consent to agree the location, size and design of a refuse store for the site. In addition, an informative would be added to ensure that the private access road remains unobstructed.

Trees/Landscaping

18. One tree would be lost that would be replaced through a landscaping condition attached to any consent. The development would not result in the loss of any trees and hedges that provide a significant contribution to the visual amenity of the area.

Grass verges

19. Any impact upon the grass verges adjacent to the access road due to the increased use of the road is a civil matter between the parties that own and use the track and is not a planning consideration that can taken into account in the determination of this application.

Precedent for future developments

20. Any planning consent granted for this application would not set a precedent that future developments would be acceptable as each application is determined upon its own merits.

Works to access road

21. The works to the access is a civil matter between the parties involved and would not affect the outcome of the application. The potential of asbestos on the road could be addressed through a condition of any consent for the resurfacing of the access to ensure that it is safe.

Right of Way across applicants land

22. The right of way across the applicants land would not be affected by the proposed development. Notwithstanding the above this is a legal matter rather than a planning consideration.

Backland development

23. The development is not considered to represent backland development that would require an access that measures 4.1 metres in width given that the access from the site is on to Mill Lane that is a quiet road where it passes the site with traffic travelling at low speeds and a vehicle waiting to access the site would not be detrimental to highway safety. The access on to the A1198 is existing and is considered to accord with Local Highways Authority standards given the existing level of traffic, limited increase of traffic as a result of the development, width of the access on to the A1198 and visibility splays. This matter is considered in more detail in the original report.

Accident risk from working farm

24. The applicants have a right of way along the access on Mill Lane. Whilst it is acknowledged that it is open to the farmyard due to the lack of any boundary treatment, it is on the edge of the farmyard and is not considered to result in an accident risk that would warrant refusal of an application given that employees already need to consider the use of the access. The applicant would make any visitors aware of the farmyard and the risks.

Efficient and effective operation of farmyard

25. The increase in vehicles using the access would be low and is not considered to adversely affect the efficient or effective operation of the farmyard given the existing level of traffic that uses the access.

Annual shoot at nearby farm

26. The development is not considered to be at significant risk from the annual shoot at a nearby farm as the participants would need to be aware of the users of the access. It would also only occur once a year.

Need for business plan

27. Policy ET/10 of the does not require a business plan to be provided for small scale holiday accommodation use given that this use is supported in the countryside to contribute to the rural economy and it is not diversification of a farm for a use that would otherwise not be supported in policy terms.

Agricultural tie

28. The site for the holiday let use is separate to the existing dwelling and the lawful use of the site is agricultural although the buildings are not currently in use. The bungalow was granted full planning permission under reference S/1361/76/F without an agricultural tie.

Use as residential dwelling

29. The application is not for use of the buildings as residential dwellings as this would be safeguarded by a condition attached to any consent. Holiday accommodation forms part of the leisure industry and is not the same as a residential dwelling in terms of the domestic impact from traffic and noise due to the nature of the use.

Turning on private land

30. Visitors to the holiday accommodation would be given directions to find the site and can be advised to not turn around on private land.

Overdevelopment

31. The proposal is for three one bed units and one two bed unit of holiday accommodation. This is small scale and acceptable in policy terms. It is not considered to result in overdevelopment of the site as the units are not permanent residential accommodation

Conclusion

32. It is considered that the additional consultation responses do not raise any new or

additional material planning considerations that warrant the planning committee coming to a different conclusion from that made at the July meeting. 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

33. Approval subject to the planning conditions and Informatives as set out below, with the final wording of any amendments to these to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission:

Conditions

- i) 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.)
- ii) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number 01B, 02B, 04 and 10.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- iii) The building shall only be used for holiday accommodation/bed and breakfast accommodation for a maximum of 28 days in any one stay and shall not be used for permanent residential accommodation.
(Reason – The development is for tourist accommodation only in accordance with Policy ET/10 of the adopted Local Development Framework 2007.)
- iv) The gym, office and garage hereby approved shall only used ancillary to the use of the holiday accommodation/ bed and breakfast accommodation and shall not be used for other residential or commercial purposes.
(Reason – The development is for tourist accommodation only in accordance with Policy ET/10 of the adopted Local Development Framework 2007.)
- v) No development above foundation level shall commence until details of the materials to be used in the construction of the external surfaces of the buildings 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.)
- vi) No development shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall 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.)
- vii) 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.)

viii) No development shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

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

ix) No development approved by this permission shall be commenced, unless otherwise agreed, until:

a) The application site has been subject to a detailed desk study, including site walkover and preliminary Conceptual Site Model, 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.

(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.)

x) No development approved by this permission shall be commenced, unless otherwise agreed, until the works specified in the remediation method statement have been completed, and a verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.

(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.)

xi) If, during remediation and/or construction works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.

(Reason – To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

xii) No site or plant machinery shall be operated 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.)

xiii) No development shall take place until a scheme for the siting and design of the screened storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage shall be completed before the use commences in accordance with the approved scheme and shall thereafter be retained.

(Reason - To provide for the screened storage of refuse in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

xiv) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A of Part 1 of Schedule 2 of the Order shall take place on all units unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

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

xv) No development shall take place until details of the resurfacing of the access from points a to b on the attached plan has been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage shall be completed before the use commences in accordance with the approved scheme and shall thereafter be retained.

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

Informatives

i) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

ii) Trees, scrub and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, scrub, and buildings are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

iii) Works should proceed with caution and in the event of bats or evidence of them being found, work must stop immediately and advice taken on how to proceed lawfully from one of the following: a bat consultant, the UK Bat Helpline: 0845 1300228, Natural England: 0300 0603900, or the Cambridgeshire Bat Group www.cambsbatgroup.org.uk

- iv) The access along Mill Lane shall remain open and unobstructed at all times.
- v) There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department.
- vi) Before the existing property is demolished, a Demolition Notice will be required from the Building Control section of the council's planning department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working.
- vii) 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.

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 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File References S/1178/18/FL, S/1427/06/F, S/0328/05/F, S/0378/03/F

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Appendix 1 Previous Planning Committee Report