

9 September 2020

Report to: South Cambridgeshire District
Council Planning Committee

Lead Officer: Joint Director of Planning and Economic Development
Luke Simpson

S/0123/20/FL – Willingham, 130 Rampton Road, Cambridgeshire, CB24 5JF

Proposal: Erection of 5-bedroom house and 1 bedroom ancillary annex with associated parking.

Applicant: Mr and Mrs Webster

Key material considerations: Principle of Development
Impact on the Character and Appearance of
the Area
Highway Safety and Parking
Neighbour Amenity
Other Matters

Date of Member site visit: Yes, 8th September 2020

Is it a Departure Application: Yes

Decision due by: 10th March 2020

Application brought to Committee because: Parish call-in

Presenting officer: Luke Simpson (Consultant Planning Officer)

Planning Committee 22nd July 2020

1. This application was reported to Planning Committee on 22nd July 2020. The Committee deferred the application to allow the Senior Planning Lawyer to consider the legal arguments made, and verdict reached, in the case of Mansell v Tonbridge and Malling Borough Council [2017] and thus be able to advise the Committee fully, and to enable Planning officers to explore the feasibility of conducting a Member site visit. A site visit has since been arranged.

2. The judgement in *Mansell v Tonbridge and Malling Borough Council* [2017] is included at Appendix 1. The judgement sets out the grounds of the legal challenge at paragraph [5] and these are as follow:

(1) whether the council correctly interpreted and lawfully applied the provisions of Class Q in the GPDO (ground 1 in the appellant's notice);

(2) whether the council was entitled to accept there was a real prospect of the fallback development being implemented (ground 2);

(3) whether the council misunderstood or misapplied the "presumption in favour of sustainable development" (ground 3).

3. Ground 1 is not relevant to the current proposal as it relates to the correct and lawful application of Class Q permitted development rights.
4. Ground 2 relates to the fallback position, but the conclusions reached by the judge on this ground do not have the effect suggested by a Member of the public at the previous Planning Committee. The primary conclusions reached by the Judge on the 'fallback position' relate to whether or not there is a real prospect of a fallback position coming forwards in the future and therefore being capable of being a material consideration. This case related to Class Q permitted development rights where the prospect of the fallback position coming to fruition was in question. In the case of the planning application before members, this is not the case as there is an extant planning permission on the site and there is no question as to whether there is a real prospect of this development coming forwards and therefore being a material consideration.
5. Ground 3 is relevant insofar as there is a presumption in favour of sustainable development, albeit this is not the issue raised by the member of the public and there are no legal issues arising from the conclusions reached on this ground.
6. The judgment at [23] confirms that a fallback position is capable of being a material consideration.
7. Members of the Planning Committee may have thought from the previous presentation to Committee that the speaker was concluding that both of the following arose directly from the actual text of the Court of Appeal decision in *Mansell*
"...A fallback position established by an extant planning permission argues in favour of APPROVAL of another planning application for the same site when the development possible under the fallback position is MORE harmful than the development proposed by the application under active consideration.

When the harm caused by the fallback position is LESS than the harm caused by the development proposed in the application under consideration, as it does in this case, the fallback position argues in favour of REFUSAL..."
8. The Council's legal officer has considered these points and advised that the above do not arise directly from the actual text of the Court of Appeal decision in *Mansell*.

9. It is considered that the judgement referred to does nothing to alter the way that the Planning Officer applied the statutory test at Section 38(6) of the Planning and Compulsory Purchase Act (2004). This Committee Report considers the extent to which the proposed development accords with the relevant development plan policies and then considers whether there are any material considerations which indicate that a decision should be made other than in accordance with those policies. One relevant material consideration (as explained in this report in further detail) is the extant consent for a dwelling on the Application Site (the 'Fallback Position'). This is undoubtedly a material consideration. In considering the fallback position this report considers whether the development currently proposed is more harmful than that approved under the extant planning permission.
10. Even if Members are minded to conclude that the development is more harmful, then it is still possible that material considerations are such that planning permission should be granted. It is not the case that a more harmful scheme automatically falls to be refused and this conclusion cannot be drawn from the Judgment in *Mansell v Tonbridge and Malling Borough Council*.
11. A member of the public also suggested that Policy H/16 (Development of Residential Gardens) is relevant to the consideration of this current application. For completeness this is considered in full within this report. Executive Summary

Executive Summary

12. The proposed development is for the erection of a two storey detached dwelling, annex and parking to the rear of 130 Rampton Road.

There is an existing extant consent on the Application site for a detached dwelling and this is a material consideration in the determination of this planning application ('The Fallback Position')

13. Willingham Parish Council has objected to this application and requested that the application is determined by the Planning Committee. There have been no other objections received.
14. Planning Officers consider that there would be a conflict with Local Plan Policy S/7 (Development Frameworks) but this is outweighed by other material considerations including the fact that the harm associated with the conflict with Policy S/7 is not materially greater than that of the existing fallback position. Furthermore, Planning Officers have only identified a minor conflict with the purposes of Policy S/7.
15. Even if Members conclude that the harm is greater, then they may still grant planning permission if they consider that there are material considerations such that a decision should be made other than in accordance with Local Plan Policy S/7. One such material consideration is that there is a fallback position and that on balance Members may consider that the harm arising over and above the fallback position is not so substantial such that the development should be refused. This is a matter of planning judgement.

The proposed development is compliant with all other relevant Local Plan policies, subject to the conditions recommended and set out in this report.

16. Planning Officers therefore recommend that planning permission is granted subject to conditions and informatives.

Relevant planning history

17. S/4070/18/FL – Erection of detached dwelling and associated parking - Approved
18. S/3775/17/OL- Proposed detached dwelling and ancillary access arrangements, with some matters reserved except for access.-Approved
19. S0544/97/O- Dwelling and Garage-Approved
20. S/0338/99/RM-House-Approved
21. S/1209/99/F- Change of Use from Agricultural to Garden Land and Erection of Triple Garage-Approved
22. S/1285/99/F- House (Amended Design to Include Conservatory, Covered Area, Wall and Gates)-Approved
23. S/1961/00/F- Garage with Playroom Over-Refused
24. S/0134/01/F- Garage with Games Room Over-Refused
25. S/1476/04/F- Siting of Mobile Home as Annexe for Dependent Parent-Approved

Adjacent history:

26. S/1627/19/RM at 124 Rampton Rd - approval of matters reserved for appearance, landscaping, layout and scale following planning permission S/4280/17/OL for proposed dwelling and ancillary access arrangements as varied by planning permission S/0437/19/VC – Approved
27. S/0437/19/VC at 124 Rampton Rd - Removal of condition 5 (Height) of planning permission S/4280/17/OL for a proposed dwelling and ancillary access arrangements with some matters reserved except for access – Approved
28. S/0834/19/RM at Rear of 132 Rampton Road, Willingham for Approval of matters reserved for appearance following Outline planning permission S/0771/17/OL and S/4413/18/RM for Detached Dwelling with Ancillary Access & Parking (Withdrawn)
29. S/4413/18/RM at Rear of 132 Rampton Road, Willingham for Approval of matters reserved for appearance, landscaping, layout and scale following outline planning

permission S/0771/17/OL for a detached dwelling with ancillary access and parking (Approved).

30. S/4280/17/OL at 124 Rampton Rd - Outline planning permission for a proposed dwelling and ancillary access arrangements with some matters reserved except for access (Approved).

31. S/0771/17/OL at Rear of 132 Rampton Road, Willingham for Outline Permission with Some Matters Reserved for Detached Dwelling with Ancillary Access & Parking. (Approved).

National Guidance

32. National Planning Policy Framework 2019 (NPPF)
Planning Practice Guidance
National Design Guide 2019

South Cambridgeshire Local Plan 2018

33. S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development
S/7 Development Frameworks
S/9 Minor Rural Centre
HQ/1 Design Principles
H/12 Residential Space Standards
H/16 Development of Residential Gardens
CC/1 Mitigation and Adaption to Climate Change
CC/3 Renewable and Low Carbon Energy
CC/7 Water Quality
CC/9 Managing Flood Risk
NH/4 Biodiversity
TI/3 Parking Provision
TI/10 Broadband

South Cambridgeshire Supplementary Planning Documents (SPD)

34. Trees & Development Sites SPD - Adopted January 2009
District Design Guide SPD - Adopted March 2010

Consultation

35. **Parish Council:** The Parish Council 'Objects' to this application:

'Willingham Parish Council object to the application for the following reasons: - Gross overdevelopment of the site. The current location is outside the village envelope and would encroach on open countryside. - The original outline approval was for a single storey dwelling and should remain as such – not two storey - The scale of the building is out of keeping with neighbouring properties - The site has inadequate

parking provision for the size of the development - The development extends 20 metres beyond the outline planning permission consent which was already outside the village envelope

The Council request the application is passed to committee for consideration.'

36. Cambridgeshire County Council Highways: No objection subject to the following conditions

- 1: Applicant to provide visibility splays
- 2: Access falls and levels to avoid water drainage to highway
- 3: Access to be a bound material
- 4: Provision of a traffic management plan (Construction)

37. South Cambridgeshire District Council Tress Officer: No objection

38. South Cambridgeshire District Council Environmental Health Officer:

No objection subject to conditions on hours of construction, burning of waste and method statement if pile driven foundations are proposed. Informatives requested on noise and dust pollution and air source heat pump.

39. South Cambridgeshire District Council Ecology Officer: No objection subject to conditions as follows:

- 1: Construction period or mitigation to protect nesting birds
- 2: Scheme of ecological enhancement

40. Sustainable Drainage Engineer: No objection subject to details of foul and surface water drainage to be submitted prior to commencement of development.

Representations from members of the public

41. None Received.

The site and its surroundings

42. The Application site is at 130 Rampton Road Willingham. 130 Rampton Road is a two storey dwelling. The Site is accessed from the north via the existing access with Rampton Road. The proposed access is within the development framework of Willingham with the remainder of the site to the rear of 130 Rampton Road falling outside of the defined development framework. The site comprises the existing access and part of the rear garden of 130 Rampton Road. The proposed two storey dwelling would be located approximately 75m to the rear of 130 Rampton Road.

43. The site currently comprises garden land and a number of existing structures including a mobile home and an outbuilding, both of which would be removed as part of the proposed development. An existing detached garage would be retained.

44. To the west of the site is 124 Rampton Road. There is an extant planning permission for a two storey dwelling to the rear of this property (Application reference S/0437/19/VC). To the east is 132 Rampton Road which also has

consent for a two storey dwelling to the rear (application reference S/4413/18/RM).

45. The Application site benefits from an extant planning permission for a 1.5 storey detached dwelling with a maximum ridge height of approximately 8.35m.
46. The site is located within flood zone 3 (low risk). Part of the site is identified as being at risk from surface water flooding.
47. Willingham is a Minor Rural Centre (Local Plan Policy S/9).

The proposal

48. The Applicant seeks planning permission for the erection of a two storey detached dwelling, 1 bedroom annexe and associated parking.
49. The proposed dwelling would have a maximum ridge height of 8.35m which is the same as that of the extant planning permission. The proposed dwelling would be two storeys as opposed to the extant consent which is 1.5 storeys.
50. The proposed dwelling would have a similar footprint to that previously approved, with the addition of a single storey element to the east which would measure approximately 6m by 7m. In addition, the proposed dwelling would include a detached single storey annexe to the north between the proposed dwelling and the existing dwelling at 130 Rampton Road. The annexe would incorporate a bedroom, kitchen/lounge, bathroom and store/dressing area. The annexe has a separate garden area but would share the same access track as the proposed dwelling. The Annexe would be accessed via the front garden of the proposed dwelling.
51. The rear garden of the proposed dwelling would be within the application site boundary (denoted by the red line) with details of the proposed boundary treatment to be required by condition.
52. The dwelling and annexe would be of a traditional appearance with pitched roofs with buff brickwork and plain roof tiles proposed, with specific details of materials to be provided prior to commencement of development (required by planning condition).
53. Two new parking spaces for the existing dwelling at 130 Rampton Road would be provided between the proposed annexe and the existing dwelling at 130 Rampton Road. Currently vehicles park to the front of 130 Rampton Road. 2 spaces would also be provided between the proposed dwelling and annexe. The existing detached garage would also be retained. The dwelling would be accessed via a new access adjacent to the existing access to 130 Rampton Road.
54. The dwelling would be located approximately ten metres further south (away from the existing dwelling at no.130) than the dwelling currently approved under the extant planning permission.

Planning assessment

Principle of Development

55. The proposed dwelling and annexe would be located outside of the defined development framework boundary of Willingham. Policy S/7 states that only certain types of development will be permitted in the countryside. The proposed development does not come under any of these types of development and there is therefore a conflict with Local Plan Policy S/7. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this particular instance there are several material considerations which are relevant to the principle of development on the application site.
56. The main material consideration is the existence of an extant planning permission for a 1.5 storey dwelling in a very similar position to that of the currently proposed dwelling. Planning permission was granted for a dwelling under application reference S/4070/18/FL. The existing consent will remain extant until 28th March 2022. This represents the 'fallback position' and establishes the principal of residential development to the rear of 130 Rampton Road. This report considers the current application on its merits and in doing so, also considers the differences between the fallback scheme and the currently proposed development. This report also addresses whether the current proposals are materially more harmful than the fallback scheme.
57. Another relevant material consideration is the fact that the Council has granted planning permission for two dwellings, one either side of the application site, at 124 and 132 Rampton Road.
58. In establishing the acceptability of the principle of development it is also important to understand the purposes of Local Plan Policy S/7. The subtext to Local Plan Policy S/7 identifies two reasons for which development should be controlled beyond the defined development framework boundaries. These are:
59. 1: *To help guard against incremental growth in unsustainable locations; and*
60. 2: *To protect the countryside from gradual encroachment*
61. Willingham is a minor rural centre, the second most sustainable type of settlement in the District, in terms of access to services and facilities. Planning Officers consider that whilst the site is located outside of the settlement framework, it is directly adjacent to it and access is available on foot to the centre of Willingham, which has a good range of services and facilities to meet basic day to day needs. It is therefore considered that the first purpose of Policy S/7 is not conflicted with.
62. In considering whether the proposed development would result in harm by way of gradual encroachment it is relevant to consider the fallback position of the existing consent and the neighbouring consents. Three dwellings have been approved to the rear of three consecutive properties on Rampton Road at 124, 130 and 132.

These dwellings are all located to the rear (south) of the existing dwellings. The proposed development would be located 10m further to the rear than fallback scheme. Planning Officers are satisfied that the current proposals would not result in any significant increased harm to the second purpose of Local Plan Policy S/7 when compared against the fallback position. The majority of the development which would be located further to the rear (south) is at single storey level. The repositioning of this dwelling compared to the fallback position would not result in any significant noticeable change when viewed from the surrounding area. The scale and appearance of the dwelling are considered separately below in relation to 'character and appearance'.

63. In conclusion, there would be a conflict with Policy S/7. However, this conflict has to be read in the context of the fallback position and the sustainability of the village of Willingham in accommodating one additional dwelling. On balance, Planning Officers consider that these material considerations outweigh the limited conflict with the purposes of Policy S/7 and therefore the principle of development is acceptable.
64. The proposed annexe would share the same access track as the main dwelling. The annexe is considered to be acceptable in principle if a suitably worded condition is imposed on any planning permission to restrict its use to ensure that it is ancillary to the main dwelling.

Policy H/16 (Development of Residential Gardens)

65. Policy H/16 states in full:

'The development of land used or last used as residential gardens for new dwellings will only be permitted where:

- a. The development is for a one-to one replacement of a dwelling in the countryside under Policy H/14 and/or:*
- b. There would be no significant harm to the local area taking account of:*
- i. The character of the local area;*
 - ii. Any direct and on-going impacts on the residential amenity of nearby properties;*
 - iii. The proposed siting, design, scale, and materials of construction of the buildings;*
 - iv. The existence of or ability to create a safe vehicular access;*
 - v. The provision of adequate on-site parking or the existence of safe, convenient and adequate existing on-street parking;*
 - vi. Any adverse impacts on the setting of a listed building, or the character of a conservation area, or other heritage asset;*
 - vii. Any impacts on biodiversity and important trees;*
 - viii. Ensuring that the form of development would not prevent the development of adjoining sites.'*

66. The proposed development does not involve the replacement of an existing dwelling in the countryside. Therefore criterion (a) is not applicable.

67. All criteria are addressed and accorded with as outlined in the relevant sections of this committee report. With regard to criterion 'vi' there are no heritage assets within close proximity to the site and there would be no adverse impact on the setting of any heritage asset. With regard to criterion 'viii' it is not considered that this development would prevent development on adjoining site and extant neighbouring planning permissions have been addressed within this committee report.
68. For the reasons outlined above, it is considered that the proposed development would comply with Local Plan Policy H/16.

Character and Appearance of the Area

69. It is not considered that there would be any detrimental impact upon the character of the surrounding area as a result of the proposed development. The surrounding area is characterised by a mixed character. There is very little uniformity, with a range of designs and scales of development present. The existing dwelling at 130 Rampton Road is a two storey detached dwelling with a traditional appearance. The approved dwelling to the north west at 124 Rampton Road will be a modern, contemporary two storey design. To the east the approved dwelling at 132 Rampton Road is also a relatively contemporary design.
70. The proposed traditional design with brickwork and a range of pitched roofs is considered to be more in keeping with development along Rampton Road, including the applicant's property at no.130.
71. In terms of layout the location of the dwelling to the rear of 130 Rampton Road is in keeping with the character of the surrounding area given that there are two extant consents for dwellings to either side.
72. The scale of the proposed dwelling is acceptable. The proposed dwelling would not be any higher than the maximum ridge height of the fallback dwelling.
73. Therefore, whilst a two storey dwelling is proposed, as opposed to a 1.5 storey dwelling, the visual impact will be similar to that of the approved dwelling. The scale would also be in keeping with the large detached dwelling approved at 124 Rampton Road.
74. The Parish Council has objected partly on the basis that the proposed development would be overdevelopment of the plot. However, Planning Officers note that the new dwelling will result in the removal of an existing mobile home and outbuilding on the site. A condition to ensure that all outbuildings to be removed, as identified on the amended plans is considered reasonable for attachment in this instance, to ensure that the built form on the site remains in keeping with the character and scale of the surrounding area. In addition, a further condition restricting permitted development rights of the proposed dwelling is considered reasonable to restrict the built form on the village edge.

75. On balance it is considered that the site, which is relatively large, can comfortably accommodate the proposed dwelling and annex whilst remaining in keeping with the existing character of the surrounding area.
76. It is recommended that if consent is granted, a condition requiring submission of and approval of materials is included. This is because exact building materials have not been specified on the submitted plans.
77. For the reasons outlined above it is considered that the proposed development would be in keeping with the character of the surrounding area in accordance with Local Plan Policy HQ/1.
78. In summary, Planning Officers consider that the proposed development would not have an adverse impact upon the character and appearance of the surrounding area and would be in keeping with existing character. It would therefore accord with Local Plan Policies HQ/1 (Design Principles).

Residential Amenity

79. It is not considered that there would be any adverse impact upon neighbouring amenity in terms of loss of light, overbearing impacts or loss of privacy, subject to the imposition of planning conditions. In considering neighbour amenity, consideration has been given to the impact upon the consented development to the north west at 124 Rampton Road and north east at 132 Rampton Road. The proposed two storey dwelling would be located at least 75m away from the existing dwellings on Rampton Road, including the Applicant's property and therefore there would be no adverse impact upon these neighbouring dwellings.
80. To the north west, the consented two storey dwelling at 124 Rampton Road would not experience any adverse impact upon amenity. The two storey element of that dwelling would be over 20m from the proposed dwelling and offset at an angle. The only windows proposed in the west facing elevation of the proposed dwelling would be rooflights, above 1.7m in height and these would be conditioned as such if consent is granted. Furthermore, the closest (westernmost) window proposed in the north facing elevation is a bathroom window which would be conditioned to ensure it is obscure glazed and non-opening in order to avoid any loss of privacy to the approved dwelling to the west. Other north facing windows are offset at an angle such that there would be no loss of privacy as only oblique views to the west are attainable.
81. To the north east, the approved dwelling at 132 Rampton Road would not experience any adverse impact on amenity. The two closest windows in the east facing elevation of the proposed dwelling would be rooflights, 1.7m above floor level and would be conditioned as such. The first floor windows in the projecting part of the north facing elevation would also be 1.7m above floor level in order to avoid any loss of privacy to the neighbouring garden of the approved dwelling.

82. There would be no adverse impact on the amenity of occupiers of the proposed dwelling, annex or garden as a result of the neighbouring consented development. Neither of the approved dwellings have windows facing directly into the site (other than obscure glazed windows).
83. In summary, the positioning of windows, obscure glazing, oblique angles and distances to neighbouring properties are such, that subject to conditions, there would be no adverse impact on amenity, in terms of overbearing, loss of light or loss of privacy. There have been no objections received from neighbouring residents. The proposed development is therefore considered to accord with Local Plan Policy HQ/1 in terms of amenity impacts.
84. Local Plan Policy H/12 sets out the Council's residential space standards. The proposed dwelling would comply with these standards.
85. The Council's District Design Guide recommends that residential units should be provided with access to 80sqm of amenity space, given its rural setting. The proposed development would provide well in excess of this. The proposed rear garden would be accommodated within the application red line boundary. Details of boundary treatments should be conditioned if planning permission is granted.

Highway Safety and Parking Provision

86. The proposed development incorporates four proposed parking spaces and retains an existing detached garage. Local Plan Policy TI/3 (Parking Provision) refers to the indicative standards set out at Appendix 11 of the Local Plan. These standards require two spaces per dwelling. The provision of four parking spaces for the existing dwelling and the proposed dwelling would therefore comply with Local Plan Policy TI/3. Policy TI/3 also requires secure cycle storage. Cycle storage is not indicated on the proposed block plan. It is considered that there is sufficient room on plot to accommodate cycle storage and as such, should consent be granted then a planning condition should be included to require submission and approval of these details prior to occupation.
87. A new access is proposed adjacent to the existing access to 130 Rampton Road. This will result in two access points, each serving a separate dwelling.
88. The Local Highway Authority (LHA) has confirmed that the 1.5m x 1.5m pedestrian viability splays as shown on CH17/LBA/440/FP-1-101 Rev B are acceptable to the Local Highway Authority. The LHA do not object to the proposed development subject to the inclusion of conditions relating to:
- 1: Applicant to provide visibility splays
 - 2: Access falls and levels to avoid water drainage to highway
 - 3: Access to be a bound material
 - 4: Provision of a traffic management plan (Construction)

89. These conditions are all considered necessary and will ensure that the proposed development would not result in any adverse impact on Highway Safety in accordance with the provisions of the NPPF.

Drainage

90. Part of the site is identified as being at risk from surface water flooding and the site is located in Flood Zone 3 (low risk). The Drainage Officer has been consulted on this application and has no objection subject to a condition requiring details of foul and surface water drainage to be submitted and approved.

Ecology

91. The Council's Ecologist has been consulted and has no objection subject to conditions requiring that vegetation clearance and construction do not take place between March and August in order to protect nesting birds. The Officer also requests a condition requiring a scheme of ecological enhancement to be submitted prior to commencement of development. Both of these conditions are considered necessary to ensure compliance with Local Plan Policy NH/4 (Biodiversity).

Renewable energy, water efficiency and broadband

92. Policy CC/3 requires that a scheme for renewable energy is submitted, Policy CC/4 requires that water efficiency measures are imposed, and Policy TI/10 requires that infrastructure be imposed to create access to broadband internet; the application does not provide details of any of the above. It is considered reasonable and necessary to attach conditions to any permission granted to require that the above policies are satisfied.

Environmental Health

93. The Environmental Health Officer has no objection subject to conditions on hours of construction, burning of waste and a method statement if pile driven foundations are proposed. Informatives have been requested on noise and dust pollution and air source heat pump.

94. Planning Officers consider that a condition on construction hours is reasonable and necessary but that the other matters can all be addressed through informatives.

Conclusion

95. Planning Officers consider that there would be a conflict with Local Plan Policy S/7 (Development Frameworks) but this is outweighed by other material considerations including the fact that the harm associated with the conflict with Policy S/7 is not materially greater than that of the existing fallback

position. Furthermore, Planning Officers have only identified a minor conflict with the purposes of Policy S/7.

96. Even if Members conclude that the harm is greater, then they may still grant planning permission if they consider that there are material considerations such that a decision should be made other than in accordance with Local Plan Policy S/7. One such material consideration is that there is a fallback position and that on balance Members may consider that the harm arising over and above the fallback position is not so substantial such that the development should be refused. This is a matter of planning judgement.

97. The proposed development is compliant with all other relevant Local Plan policies, subject to the conditions recommended and set out in this report.

98. Planning Officers therefore recommend that planning permission is granted subject to conditions and informatives.

Recommendation

99. APPROVE – subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason – To ensure the 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: CH17/LBA/440/FP-1-102 C, CH17/LBA/440/FP-1-103 B and CH17/LBA/440/FP-1-101 B
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. The annex hereby permitted, shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known approved under this planning permission.
4. Two pedestrian visibility splays of 1.5m x 1.5m shall be provided each side of the vehicular access measured from and along the highway boundary. Such splays shall be within the red line of the site and shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the adopted public highway.
(Reason - In the interests of highway safety in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).
5. The proposed drive way 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 and shall be constructed using a bound material to prevent

debris spreading onto the adopted public highway.

(Reason - In the interests of highway safety in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).

6. The proposed access drive shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.
(Reason - In the interests of highway safety in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).
7. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Local 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 shall be undertaken off the adopted highway)
 - (ii) Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on the street.
 - (iii) Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway).
 - (iv) Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.

The development shall thereafter be constructed in accordance with the approved details.

(Reason - In the interests of highway safety in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).
9. All windows shown as obscure glazed on the approved plans, shall be fitted with obscured glass (meeting as a minimum Pilkington Standard level 3 in obscurity) and shall be permanently fixed shut apart from any top hung vent. All rooflights and windows shown as 'high level' on the approved plans shall be at least 1.7 metres above floor level. The development shall be retained as such thereafter.
(Reason - To prevent overlooking of the adjoining properties in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).
10. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants, or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and the 31st August inclusive, unless a suitably qualified ecologist has undertaken a careful, detailed check of suitable habitat for active birds' nests immediately before the

habitat is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

(Reason: To ensure compliance with the Wildlife and Countryside Act 1981 (as amended).)

11. Prior to the commencement of development above slab level a location plan and specification for biodiversity compensation and enhancement including native planting, hedgehog connectivity measures and integrated bat and/or bird boxes shall be supplied to the local planning authority for its written approval. The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing.
(Reason: To meet the NPPF and the Adopted South Cambridgeshire District Council Local Plan Policy NH/4)
12. The dwelling, 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 TI/3 of the South Cambridgeshire Local Plan 2018).
13. Details of the proposed materials of the approved dwelling and annex shall be submitted to the Local Planning Authority for approval in writing prior to commencement of development. The development shall thereafter be carried out in accordance with the approved details.
(Reason – To ensure that the development is in-keeping with the character of the surrounding area in accordance with adopted South Cambridgeshire Local Plan Policy HQ/1)
14. No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays.
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy CC/6 of the South Cambridgeshire Local Plan 2018).
15. The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with.
(Reason – To improve the sustainability of the dwelling and reduce the usage of a finite and reducing key resource, in accordance with policy CC/4 of the south Cambridgeshire Local Plan 2018.)
16. Prior to the first occupation of the dwelling hereby approved, the dwelling to be occupied shall be made capable of accommodating Wi-Fi and suitable ducting (in accordance with the Data Ducting Infrastructure for New Homes Guidance

Note) shall be provided to the public highway that can accommodate fibre optic cabling or other emerging technology, unless otherwise agreed in writing with the Local Planning Authority.

(Reason – To ensure sufficient infrastructure is provided that would be able to accommodate a range of persons within the property and improve opportunities for home working and access to services, in accordance with policy TI/10 of the South Cambridgeshire Local Plan 2018.)

17. Prior to the first occupation of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that a minimum of 10% of carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The scheme shall be implemented and maintained in accordance with the approved details prior to the occupation of the dwelling.

(Reason – In accordance with policy CC/3 of the South Cambridgeshire Local Plan 2018 and paragraphs 148, 151 and 153 of the National Planning Policy Framework 2018 that seek to improve the sustainability of the development, support the transition to a low carbon future and promote a decentralised, renewable form of energy generation.)

18. 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 South Cambridgeshire Local Plan (2018) Policy CC/7)

19. 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. All external areas should utilise permeable surfaces.

(Reason - To ensure that surface water is suitably drained in accordance with South Cambridgeshire Local Plan (2018) Policy CC/7)

20. 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 A, B 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 - In the interests of visual and residential amenity and ensuring that the character and appearance of the area is conserved in accordance with

Policy HQ/1 of the South Cambridgeshire Local Plan 2018).

21. The existing mobile home and outbuildings annotated for removal on the approved drawings shall be permanently removed from the application site as defined by the red line on the approved plans prior to first occupation of the dwelling hereby approved.

(Reason: To ensure that the built form on the village edge is restricted and in the interests of visual and residential amenity in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).

Informatives

1. 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 a separate permission must be sought from the Highway Authority for such works.
2. There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department.
3. 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 District Council Local Plan (2018)
- Planning File Reference: S/0123/20/FL
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPDs)

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