

14 July 2021

Report to: South Cambridgeshire District
Council Planning Committee

Lead Officer: Joint Director of Planning and Economic Development

S/4252/19/FL – Fowlmere (Cherry Tree Field Shepreth Road Fowlmere Cambs SG8 6QU)

Proposal: Conversion of cowsheds to 3 bedroom house with
internal annex and stable building

Applicant: Mr and Mrs Fulton

Key material considerations: Principle of Development
Visual amenity and local character
Sustainability issues

Date of Member site visit: N/A

Is it a Departure Application? No

Decision due by: 13th November 2020

**Application brought to
Committee because:** To allow consideration of Fowlmere Parish Council
objection.

Presenting officer: Richard Fitzjohn (Senior Planning Officer)

Executive Summary

1. This application seeks full planning permission to convert 2No. agricultural buildings into a single dwelling, with integral annexe, and creation of a garden area and erection of stable building.
2. The application site is located in open countryside, between the villages of Fowlmere and Shepreth.

3. The current planning application (application ref: S/4252/19/FL) was considered by the Planning Committee on the 11th November 2020. Officers had advised Members of the Planning Committee that a 2018 Prior Approval application (application ref: S/2685/18/PA) provided a fallback position, for the building to which the application relates to be converted into 2 dwellings, and that this was a material consideration for Members of the Planning Committee to consider. Members voted 8-2 to approve the application.
4. Following the Committee's resolution at that meeting, it was brought to the Council's attention that the 2018 Prior Approval application (application ref: S/2685/18/PA) contained an error. The decision notice was dated the 17th September 2018, however condition 4 of the decision notice required that the development be commenced by May 2016 – two years before the date of the actual decision. As a result of this error, the decision relating to application ref: S/2685/18/PA is incapable of implementation and could not itself amount to a fallback position.
5. A separate Prior Approval application (application ref: 20/05371/PRI03Q) for change of use of agricultural building to 2 No. dwellinghouses (Class C3) and for associated operational development, under Part 3, Class Q of Schedule 2 of the General Permitted Development Order, has since been granted by the LPA on 16th February 2021. This grant of Prior Approval must be completed within a period of 3 years of the prior approval date of 16th February 2021.
6. Prior Approval permission 20/05371/PRI03Q includes 3 pre-commencement conditions. An application to discharge all 3 of the pre-commencement conditions (application ref: 20/05371/CONDA) was received by the Local Planning Authority (LPA) on 20th May 2021 and is currently pending consideration by officers.
7. There is a clear implication behind the current planning application, that if planning permission were refused, there would be an intention to implement the development approved by Prior Approval permission 20/05371/PRI03Q. This has been confirmed to officers in conversation with the applicant and has been demonstrated through application ref: 20/05371/CONDA.
8. The following additional and amended information, in respect of the current planning application being considered, was received by the Local Planning Authority on 6th April 2021:
 - A revised Location Plan including access connecting to the public highway carriageway (Plan ref: Cherry Tree Field Location Plan).
 - A revised Proposed Residential Curtilage Plan, outlining the proposed residential curtilage in green (Plan ref: Cherry Tree Field Curtilage Plan).
 - Additional elevations and floor plans of the proposed stable block (Plan ref: CHERRY TREE BARNS - PROPOSED STABLE BLOCK).
 - A new Certificate of Ownership - Certificate B.
 - A copy of the notice served in relation to Certificate of Ownership - Certificate B.

9. This additional and amended information was re-consulted with all consultees and third parties, a new site notice was displayed on the site and a new press advert was published in a local newspaper.
10. Officers recommend that Members of the Planning Committee should give significant weight to the legitimate fallback position provided by the grant of Prior Approval ref: 20/05371/PRI03Q, which is capable of being implemented and provides a fallback position with a real prospect of being carried out.
11. Officers recommend that the Planning Committee approves the application, subject to the conditions set out within Appendix A of this report.

Relevant planning history

12. 20/05371/PRI03Q – Prior approval for change of use of agricultural building to 2 No. dwellinghouses (Class C3) and for associated operational development - Prior Approval Granted 16.02.2021

S/2685/18/PA - Prior notification of conversion of agricultural buildings into 2 no. dwellings - Prior Approval Not Required – 17.09.2018

S/0086/17/PA - Prior notification for conversion of buildings into 2 no. dwellings – Prior Approval Refused on basis of lack of highway information - 14.03.2017.

Planning policies

13. National Planning Policy Framework 2018 (NPPF)
National Planning Practice Guidance (PPG)
National Design Guide 2019
14. South Cambridgeshire Local Plan Policies 2018 (the Local Plan)
 - S/1 Vision
 - S/2 Objectives of the Local Plan
 - S/3 Presumption in favour of Sustainable Development
 - S/7 Development Frameworks
 - S/10 Group Villages
 - CC/1 Mitigation and Adaptation To Climate Change
 - CC/3 Renewable and Low Carbon Energy
 - CC/4 Water Efficiency
 - CC/6 Construction Methods
 - CC/7 Water Quality
 - CC/8 Sustainable Drainage Systems
 - CC/9 Managing Flood Risk
 - HQ/1 Design Principles
 - H/8 Housing Density
 - H/17 Reuse of Buildings in the Countryside for Residential Use
 - NH/2 Protecting and Enhancing Landscape Character
 - NH/4 Biodiversity
 - NH/14 Heritage Assets

SC/10 Noise Pollution
SC/11 Contaminated Land
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments
TI/10 Broadband

15. South Cambridgeshire Supplementary Planning Documents (SPDs):

District Design Guide – Adopted March 2010
Trees and Development Sites – Adopted January 2009
Biodiversity – Adopted July 2009
Sustainable Design and Construction - Adopted January 2020
Cambridgeshire Flood and Water SPD – Adopted November 2016

Consultations

16. **Fowlmere Parish Council (Comments received 4th May 2021)** – “Fowlmere Parish Council Planning Committee discussed this updated planning application at our meeting on 29th April 2021.

We recognise that whilst prior approval has recently been granted under 20/05371/PRI03Q for a proposed permitted development scheme on this site, this application is for planning permission for a dwelling that significantly exceeds both the floorspace for a larger dwellinghouse and the curtilage permitted under the recently granted Class Q approval.

Fundamentally, the proposed development is not a conversion of the existing barn structures, but rather a new build within the footprint of the current barns. From the supporting information it is clear that all exterior cladding is being replaced, the roof structure is being replaced and raised in height, and in fact only the vertical columns of the portal frames are being retained. It is acknowledged in the structural reports that the existing foundations will need supplementing, and that floor slabs will need installing to replace the existing earth floor. It is also clear in the submitted structural sketches that the proposed windows in the plans clash with the locations of the portal frame columns, which casts doubt on the intention to retain even this element of the existing structure. The structural information provided with the application is not sufficient to establish that this is a conversion. Taking all of this into account it seems hard to argue that this new proposal (in contrast with the granted Class Q) is a conversion of the existing buildings in any meaningful sense.

We therefore believe that Policy H/17 does not apply and in line with Policy S/7 the development should not be permitted outside the village development framework.

The last officers report sought to make the case that this application amounts to the reuse of the existing buildings. If, counter to the points raised above, this is judged to be the case, then the application is subject to Policy H/17 of the adopted Local Plan.

This policy sets out the conditions for the Reuse of Buildings in the Countryside for Residential Use and states that:

The change of use and adaptation of redundant or disused buildings in rural areas to residential use will only be permitted where:

- a. The buildings are unsuitable for employment use, or it being demonstrated through marketing the development opportunity for at least 12 months at a realistic price, that there is no demand for their development for employment use;
- b. The buildings are structurally sound, not makeshift in nature and are of permanent, substantial construction;
- c. There will be an enhancement to the immediate setting of the buildings;
- d. The form, bulk, design, landscaping and materials used in the change of use and adaptation and any associated extensions are sensitive to the character and appearance of the building and locality;
- e. There is a safe vehicular site access.

The last time that this application was referred to the SCDC Planning Committee the officers report argued that the application was compliant with this policy. We believe that this is manifestly not the case.

To take each of the officers statements in turn:

Criterion A

Employment re-use (criterion A): The policy requires either a demonstration of the unsuitability of a building for employment use or a lack of demand for employment use evidenced through 12 months marketing. The application is not supported by any evidence of marketing but instead relies upon the unsuitability of the building for employment use in meeting criterion A and also the existing Class Q approval that allows these buildings to be converted to 2 dwellings. The building is in an isolated location remote from any residential population and the creation of an employment use in this location could generate a significant amount of vehicle movements. The access into the site, whilst acceptable for a single dwelling, is unlikely to be sufficient for an employment use and it could generate a significant number of vehicular movements that may be incompatible and out of character with the surroundings. Whilst these other potential impacts are relevant, the Class Q approval for the buildings to be used as 2 homes is considered to be the most significant consideration. On the basis of this it would not be reasonable to insist that these buildings be marketed for employment purposes.

We are not aware of any attempts to market the buildings on site for either agricultural or an alternative employment use for the required 12 months. We believe that the agricultural site was sold with scope for residential development under the previously granted approval notice that had been obtained for permitted development. The officers report acknowledged that it had not been marketed as an employment development opportunity.

Instead an argument was made that the barns are now unsuitable for employment use. However, there are no statements to this effect in any part of the applicants application within the public case file. This therefore appears to be an assertion that was made by officers on behalf of the applicant. The statement also totally ignores the local context.

In recent years there have been 5 new steel framed buildings granted permission within a 1 mile radius of the application site:

- September 2020 New grainstore, Fowlmere Road, Foxton
- August 2020 New agricultural storage building, Long Lane, Fowlmere
- August 2020 New steel framed agricultural barn, Fowlmere Road, Fowlmere
- March 2019 New barn for storage of hay & straw, Green Lane, Fowlmere
- September 2017 New portal frame building for car storage, Fowlmere Road, Foxton

We therefore do not accept that these current barns meet the criteria of redundancy, and believe it is detrimental to the local surroundings to allow such buildings to be converted to residential use, only to then create a need for additional agricultural buildings to be constructed in the open countryside at a later stage.

Criterion B

Structural integrity of the building (criterion B): The building has received a Class Q approval and therefore is considered to be of sufficient permanence, strength, and structural integrity to allow for a conversion rather than a rebuild. Further information has been submitted from a fully qualified structural engineer to demonstrate how the steel frame of the building would support the conversion and could be adapted to create the additional height.

Whilst the building has a Class Q approval, this application is materially different to what would be allowed under permitted development and is not seeking to re-use the existing structure in the manner that would have occurred under the granted approval. As we note above, we do not believe that the application qualifies as reuse of a building and in fact amounts to the construction of a new building within the existing footprint. The report of the fully qualified structural engineer identifies the conflict between the portal frames and the window locations but, despite the time that has elapsed, no adjustments have been made to the proposed designs to take this into account.

Criterion C

Enhancement of the buildings/surroundings (criterion C): The buildings are in a good state of repair and the land is tidy. The proposal would create a well-designed home that would make good use of the structure. The additional planting would enhance the character of the area.

Little in this statement addresses the requirement for enhancement to the immediate setting of the buildings. We note that the site is in the open countryside, which will be significantly altered by the change of use and development of these structures. Whilst relatively shielded from the road, the barns are visible from the higher ground on the public footpath between Fowlmere and Foxton and their conversion would change the nature of these open countryside views. We do not believe that the case has been made that the proposed increase in height and mass of the structures and clear change from agricultural to residential use will enhance the immediate setting of the buildings. Planting three new trees would not seem sufficient to offset these changes.

Criterion D

The design of the building would be sensitive (criterion D): The proposed conversion is well designed and uses suitable materials that would be appropriate for this location. The marginal increase in height, from 5.4m to 6.6m would not have an adverse impact upon the wider landscape.

Again, we note that the proposal includes significantly increasing the height of the current structures, increasing their bulk and creating a sizeable house which would not be sensitive to the open countryside nature of the locality. A 1.2m increase in height is not immaterial. With regards to the requirement that the development is sensitive to the character and appearance of the building and locality, it should be noted that Fowlmere has a single designated public footpath (which connects the village with Foxton), and this is in regular use. The barns in question are approximately 500m from this path and clearly visible across the open fields. The proposed increase in height of the building and visual change from a pair of agricultural barns to a large domestic dwelling will adversely impact on these open countryside views. In addition, the 20 sq.m panel of two storey glazing proposed for the south east elevation will reflect the sun and further draw attention to the changed character and scale of the building within the surroundings. We therefore disagree that the application is sensitive either to the character and appearance of the current building or to the locality.

Conclusions on H/17

So, despite the previous arguments put forward, we are firmly of the belief that this application fails to meet the requirements of policy H/17 as:

- the buildings are not redundant and there is clearly demand for similar buildings for agricultural and employment use within the immediate locality;
- the proposals are changing the scale of the buildings and reusing little, if any, of the current structure; and
- the increase in scale, change in character of the building, and extensive use of glazing is not sensitive to the locality and will have a detrimental impact on the visual amenity of the open countryside visible from Fowlmeres only public footpath.

Fowlmere PC therefore recommends refusal on the grounds that:

- the application does not constitute the reuse of the existing buildings and as such Policy H/17 should not apply, and in line with Policy S/7 this proposed development outside of the Development Frameworks should not be permitted;
- however, if it is judged that this does amount to a reuse and not a replacement, then the tests required within Policy H/17 are also not met.

If the planning officers are minded to recommend approval of this application, then Fowlmere Parish Council requests that it is called in to the SCDC Planning Committee for consideration.

We would also remind officers that Planning Policy Guidance states:

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). (PPG Paragraph: 006 Reference ID: 21b-006-20190315)

And whilst we recognise that this guidance also states:

The local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed (PPG Paragraph: 013 Reference ID: 21b-013-20150327)

If they wish to approve the application, it is incumbent upon officers to set out the material considerations that they believe would override Policy S/7 or H/17 and the overwhelming weight that would need to be assigned to these.

We also acknowledge that the prior approval creates a fall-back position. However, this does not over-ride the requirement to act in accordance with adopted policies at all stages, and in addition relies upon establishing that there is some form of public betterment from the new proposal. We would make the case that replacing the permission established under Class Q for two modest dwellings with permission for a single larger dwelling:

- is detrimental to the obligation of the planning authority to meet its housing delivery targets;
- runs counter to proven local demand for smaller and more affordable housing (as demonstrated through Fowlmeres recent housing needs survey);
- is less sensitive to the character and appearance of the building and locality as the bulk of the structures would be significantly increased, whereas under the granted Class Q the scale of the structure would be reduced through the removal of the central linking roof and conversion of the existing frames.

Therefore, any betterment that is judged to accrue from the scheme must outweigh these material considerations, in addition to balancing the deviation from established policies within the Local Plan.”

17. Fowlmere Parish Council (Comments received 17th January 2020) –

“Fowlmere Parish Council Planning Committee discussed this new planning application at our meeting on 14th January.

We recognise that whilst prior approval was previously granted under S/2685/18/PA for a proposed permitted development scheme on this site, this application has now been made for planning permission as the proposed dwelling significantly exceeds the floorspace for a larger dwellinghouse permitted under Class Q.

As such, the reuse of the existing buildings is subject to Policy H/17 of the adopted Local Plan, which sets out the conditions for the “Reuse of Buildings in the Countryside for Residential Use”. This states that:

The change of use and adaptation of redundant or disused buildings in rural areas to residential use will only be permitted where:

- a. The buildings are unsuitable for employment use, or it being demonstrated through marketing the development opportunity for at least 12 months at a realistic price, that there is no demand for their development for employment use;
- b. The buildings are structurally sound, not makeshift in nature and are of permanent, substantial construction;
- c. There will be an enhancement to the immediate setting of the buildings;
- d. The form, bulk, design, landscaping and materials used in the change of use and adaptation and any associated extensions are sensitive to the character and appearance of the building and locality;
- e. There is a safe vehicular site access.

Fowlmere Parish Council therefore offer the benefit of their local knowledge to inform the assessment against these policy requirements.

With regards to point (a) we are not aware of any attempts to market the buildings on site for an alternative employment use for the required 12 months. We believe that the agricultural site was sold with scope for residential development under the approval notice that had been obtained for permitted development. To the best of our knowledge it had not been marketed as an employment development opportunity. If it is claimed that this has occurred we would request that officers seek evidence of this to confirm that this requirement has been met.

Regarding point (b) we note that the buildings on site include open-sided framed barns, and do not believe that the current structure is likely to be capable of supporting the loads required for the two storey building proposed. In the absence of a structural engineering assessment we are unsure that the existing frames form the basis required for a conversion.

Regarding point (c) we note that the site is in the open countryside, which will be significantly altered by the change of use and development of these structures. Whilst relatively shielded from the road, the barns are visible from the higher ground on the public footpath between Fowlmere and Foxton and their conversion would change the nature of these open countryside views.

Regarding point (d) we note that the proposal includes significantly increasing the height of the current structures, increasing their bulk and creating a sizeable house which would not be sensitive to the open countryside nature of the locality.

We also note that the extent of the proposal to increase the height of the buildings suggests that this is in fact not a conversion of the existing barn structures, but rather a new build within the footprint of the current barns. If this is the case then Policy H/17 does not apply and the development should not be permitted outside of the village envelope.

Fowlmere PC therefore recommends refusal on the grounds that the application does not constitute the reuse of the existing buildings, and if it were to be judged to constitute a conversion then the tests required within Policy H/17 are not met.

If the planning officers are minded to approve this application, then Fowlmere Parish Council requests that it is called in to the SCDC Planning Committee for consideration.”

18. **Shepreth Parish Council (Comments received 18th May 2021)** – “Concerns over highways objections, the Council feel these need addressing.”

[Shepreth Parish Council has confirmed that the above comments were submitted in respect of planning application S/4252/19/FL, despite a mix up with the reference numbers in their consultation response. Shepreth Parish Council comments stating:- “Absence of clarity around location, inappropriate size and design for a storage unit. The Council are concerned about possible residential unit and would like an Agriculture restriction tag on this. Not supported.” relate to a different planning application - ref: 21/01190/HFUL].

19. **Shepreth Parish Council (Comments received 7th May 2021)** - The Parish Council is concerned with the highways objections and feels this does need addressing.

20. **Shepreth Parish Council (Comments received 15th January 2020)** – Supports the application.

21. **Local Highway Authority (Comments received 13th May 2020)** – “Sorry for the confusion here, I was reading it as there would be multiple developments served off the same access. That not being the case, and the Prior Approval application

cannot/will not be implemented, then the requirement for inter-vehicle visibility splays is removed and any holding objection to this application is hereby withdrawn.”

22. Local Highways Authority (Comments received 4th May 2021) –

“Since the Highway Authority originally commented on this application on 20th January 2020 the site has been subject to a successful prior approval application (20/05371/PRI03Q) that would utilise the same point of access onto the public highway.

Whilst the Highway Authority does not generally seek inter-vehicle visibility splays for single dwelling, as the proposed application site now shares an access with an approved prior approval site the Highway Authority will now seek the provision of appropriate inter-vehicle visibility splays at the access point with the public highway.

The Highway Authority therefore requests that the above planning application be refused for the following reason-

The applicant has failed to provide a drawing showing the required visibility splays. The Highway Authority requests that a plan showing the visibility splays is provided prior to determination of the application. The visibility splay should have the dimensions of 2.4 metres by 215 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times. The inter vehicles visibility splays must be within the existing adopted public highway or land under the control of the applicant.

Reason: To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access

If, following the satisfactory provision of the above, the Highway Authority is satisfied that the proposal will have no significant adverse effect upon the public highway, please add the following conditions and informatives to any permission that the Planning Authority is minded to issue in regard to this application.

Please add a condition requiring that two 2.0 x 2.0 metres visibility splays be provided and shown on the drawings. The splays are to be included within the curtilage of the site. One visibility splay is required on each side of the access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high. Please forward the amended drawing showing the above visibility splays to the Highway Authority for approval.

Reason: In the interests of highway safety.

Please add a condition to any permission that the Planning Authority is minded to grant in respect of this proposal requiring that the proposed drive way 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. Please note that the use of permeable paving

does not give the Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

Reason: for the safe and effective operation of the highway

Please add a condition to any permission that the Planning Authority is minded to issue in regard to this proposal requiring that the new proposed drive be constructed using a bound material, for the first five metres from the boundary of the adopted public highway into the site, to prevent debris spreading onto the adopted public highway.

Reason: in the interests of highway safety

Prior to the first occupation of the development any gate or gates to the vehicular access shall be set back a minimum of 5m from the near edge of the highway boundary and not from the carriageway edge. Any access gate or gates shall be hung to open inwards.

Reason: In the interests of highway safety.

In the event that the Planning Authority is so minded as to grant permission to the proposal please add an informative to the effect that 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.”

23. **Local Highways Authority (Comments received 1st December 2020)** – “The Highway Authority does not seek inter vehicle visibility splays for single dwellings hence why no objection was raised in this case.

The reason no splays are required is that the number of motor vehicle movements generated by a single dwelling are low enough that they are very unlikely to have a significant impact on highway safety, this is supported by studies encapsulated with Manual for Streets.”

Local Highways Authority (Comments received 20th January 2020) – “Please add a condition requiring that two 2.0 x 2.0 metres visibility splays be provided and shown on the drawings.

The splays are to be included within the curtilage of the site. One visibility splay is required on each side of the access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall be kept clear of all planting, fencing, walls and the like exceeding 600mm high. Please forward the amended drawing showing the above visibility splays to the Highway Authority for approval.

Reason: In the interests of highway safety.

Please add a condition to any permission that the Planning Authority is minded to grant in respect of this proposal requiring that the proposed drive way 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. Please note that the use of permeable paving does not give the Highway Authority sufficient comfort that in future year's water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided.

Reason: for the safe and effective operation of the highway

Please add a condition to any permission that the Planning Authority is minded to issue in regard to this proposal requiring that the new proposed drive be constructed using a bound material, for the first five metres from the boundary of the adopted public highway into the site, to prevent debris spreading onto the adopted public highway.

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Reason: In the interests of highway safety.

In the event that the Planning Authority is so minded as to grant permission to the proposal please add an informative to the effect that 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."

24. Council's Archaeology Officer (Comments received 18th September 2020) –

The additional detailed plan shows that the amount of ground intrusion to be minimal and it is not considered a proportionate response to require archaeological investigation. Therefore, no longer have any concerns regarding this application and do not recommend any archaeological condition.

25. Council's Archaeology Officer (Comments received 9th March 2020) – The site is in a highly sensitive archaeological area, 150m from the nationally recognised Scheduled Ancient Monument of West Hill which is a Late Iron age/Roman settlement site surrounded by cropmarks indicating high densities of archaeological features in the wider landscape. Requested details of ground intrusion for the application in order for them to be able to make an informed comment.

26. Contaminated Land Officer (Comments received 27th April 2021) - Can see nothing that would require additional comment or that would change comments already made by the Contaminated Land department.

27. Contaminated Land Officer (Comments received 9th June 2020) – The (Phase I Desk Study) report is fine and the Contaminated Land department agree with the findings. As long as any recommendations (for example removal of asbestos

containing materials) are adhered to, this is satisfactory and no further works should be required.

28. **Contaminated Land Officer (Comments received 25th March 2020)** – The site has a potentially contaminative historical agricultural usage and is being redeveloped into a sensitive enduse (housing). The site is probably quite low risk but I would advise that a Phase I Environmental Desk Study is required to determine whether the site is suitable for its proposed enduse in its current state. It is possible that some spot-check confirmatory soil sampling in any proposed garden areas may be required to ensure the quality of soils are suitable for modern domestic gardens. Unless the above information is provided prior to determination of the application, requested conditions relating to contamination investigation and remediation.
29. **Environmental Health (Comments received 24th January 2020)** – No adverse comments to make.
30. **Environment Agency (Comments received 13th April 2021)** – No further comment to add to those previously made.
31. **Environment Agency (Comments received 16th January 2020)** – No objection in principle to the proposed development. The site is identified as being within flood zones 2 and 3, medium and high risk.

Flood risk:-The Environment Agency support the recommendations of the Council's Drainage Officer. No raising of ground levels within the floodplain will be permitted.

Foul water drainage:- The applicant must provide evidence to the Council that a connection to the public sewer is not feasible. Other than very exceptionally, providing non-mains drainage will not be allowed unless it can be proved that a connection to the public sewer is not feasible. Where connection to the public sewer is feasible, agreements may need to be obtained either from owners of land over which the drainage will run or the owners of the private drain. Provides a summary of Government guidance relating to drainage hierarchy and informatives in relation to maintenance responsibilities and Environment Agency consents.

Contaminated land:- If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

32. **Trees Officer (Comments received 16th January 2020)** – No arboricultural or hedgerow objections to the application. Trees on or adjacent the site have no statutory protection. From a quick desk study it is likely that hedgerows on or adjacent the site may qualify as 'important hedgerows' under the Hedgerow Regulations 1997. Should the application be approved, requests a condition

requiring retention of the north-west boundary hedge which is likely to be an important hedgerow and habitat.

33. **Drainage Officer (Comments received 23rd April 2021)** – “Following our conversation I can confirm that my latest comments were just to highlight the information that we would require in order for us to discharge the previous comments / condition made by Simon Bunn.

I am happy for the previous comments on drainage to still stand.

34. **Drainage Officer (Comments received 21st April 2021)** – It is not possible to comment on the proposed development and the additional information set out below will be required in order to provide comments:

Conformation that finished floor levels are a minimal of 300mm above existing ground level.

Confirmation that the harvesting tank will have an overflow pipe connected to a watercourse/drain. We would need full details of this and if discharging to an awarded watercourse permission will be required from the South Cambs drainage engineer.

Any rainwater harvesting cannot be deducted from any allowance for flood attenuation volumes.

35. **Drainage Officer (Comments received 1st April 2020)** – The development proposed is acceptable subject to a condition. There are minor fluvial flood risk issues associated with the Fowlmere Award Drain that can be mitigated against by having a finished floor level of 300mm above the existing ground level. However, the proposals are not in accordance with South Cambs adopted policy CC/7 and policy CC/8 Sustainable Drainage as the proposals have not demonstrated a suitable surface water and foul water drainage provision for the proposed development. Therefore recommend a condition requiring details of foul and surface water to be agreed with the LPA and finished ground floor levels to be set no lower than 300mm above existing ground level.

36. **Ecology Officer (Comments received 30th April 2021)** – No further comments. Refers to recommendations in previous response.

37. **Ecology Officer (Comments received 17th June 2020)** - The Emergence and Bat Activity Survey (Cherryfield Ecology, May 2020) is welcomed. The report found no evidence of a bat roost within the cowsheds. Is satisfied that sufficient information has been submitted to determine this application and remove any holding objection previously held.

Suggests that the following conditions are appended to any grant of planning permission:

All ecological measures and/or works shall be carried out in accordance with the details contained in the Emergence and Bat Activity Survey (Cherryfield Ecology,

May 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

No works to or 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 competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation 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.

Prior to the commencement of development above slab level a scheme of biodiversity enhancement shall be supplied to the local planning authority for its written approval. The scheme shall include all ecological enhancements as recommended within the Emergence and Bat Activity Survey (Cherryfield Ecology, May 2020) as already submitted. The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing

38. **Ecology Officer (Comments received 21st January 2020)** – The site is a single agricultural building within an agricultural and semi-natural landscape, with semi improved grassland, tall ruderal, scrub, and wooded boundaries in close proximity. The site sits within the Impact Risk Zone of a nearby statutory protected site; however it does not meet the criteria that would require a consultation with Natural England. There are no non-statutory sites within the vicinity that are likely to be impacted by the application. Species records from the area indicate a healthy population of breeding birds, including barn owl, badgers, otter, and bats have all been recorded locally.

No ecological assessment has been submitted with this application. Therefore, raises a holding objection to this application until such time as a Preliminary Ecological Appraisal (or similar) has been submitted. If no such information is submitted then believes the application can be refused on the grounds of lack of ecological information.

39. **Anglian Water (Comments received 21st April 2021)** - There is no connection to the Anglian Water sewers. Anglian Water therefore have no comments.

Representations from members of the public

40. Third party representations have been received from:
- Occupier of The Elms, Fews Lane, Longstanton (on behalf of the Fews Lane Consortium).
 - GSC Solicitors LLP (stating they are instructed by Fowlmere Parish Council).
41. **Occupier of The Elms, Fews Lane, Longstanton (on behalf of the Fews Lane Consortium)** - A third party representation has been received from the occupier of The Elms, Fews Lane, Longstanton, on behalf of Fews Lane Consortium, objecting to the application. The issues raised within this third party representation are summarised below:

The plans listed for approval in the officer's report to the planning committee are materially different than the plans that were published by the district council during the public consultation and that were apparently made available to statutory consultees.

The modified location plan fails to comply with the relevant statutory requirements provided under article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Accordingly, pursuant to section 327A of the Town and Country Planning Act 1990, the Council has no lawful authority to entertain this application.

42. **GSC Solicitors LLP** - Two third party representations have been received from GSC Solicitors LLP, dated 2nd December 2020 and 8th December 2020, stating that they are instructed by Fowlmere Parish Council. The issues raised within these third party representations are summarised below:

The decision on the Prior Approval is clearly a nullity; that decision was dated 17th September 2018, but condition 4 required that the development be commenced by May 2016 (two years before the date of the decision) and in any event Class Q development must be completed, not commenced, within the relevant period. The subsequent correspondence cannot rectify that error, and so as a matter of law there is no Prior Approval.

As a consequence of there being no Prior Approval, there is no fallback position to which weight can be attached when determining the Application.

Although it would be open to the applicant to reapply for a Class Q development, there is now a different context for considering such applications; report for the Application confirms that the barns (for they are described as comprising two barns) have earth floors and few walls. The building is, to be charitable, insubstantial; even before the government amended its online planning practice guidance (PPG) to address the point, it was clear from appeal decisions that where existing structures, and the materials from which they were constructed, were so insubstantial that the buildings would require significant reconstruction in order to meet the requirements of the Building Regulations, the extent of the required building operations would inevitably go beyond the extent of the works that are allowed by Class Q building to function as a dwellinghouse, and would disqualify the building from residential conversion under Class Q.

This was confirmed in the case of *Hibbitt -v- SSCLG*, which simply confirmed the already well-understood principle; a building comprising a light steel frame supporting a corrugated roof, which is largely open to the elements on three sides (except for limited cladding) is not capable of being converted to residential use without building operations that would be so extensive as to go well beyond the scope of the operations permitted by Class Q, and would amount either to substantial rebuilding of the pre-existing structure or, in effect, the creation of a new building, taking it outside of national and local planning policy.

The absence of a meaningful fallback leaves the Application to be determined on its own merits; in that context, the Application remains to be determined against the five criteria in Local Plan Policy H/17 (Reuse of Buildings in the Countryside for Residential Use), which makes it plain that the change of use and adaptation of redundant or disused buildings in rural areas to residential use will only be permitted where all five criteria are satisfied:

- a. The buildings are unsuitable for employment use, or it being demonstrated through marketing the development opportunity for at least 12 months at a realistic price, that there is no demand for their development for employment use: There is no evidence to satisfy this criterion.
- b. The buildings are structurally sound, not makeshift in nature and are of permanent, substantial construction: There is sufficient evidence to confirm unequivocally, in the light of *Hibbit -v- SSCLG*, that this criterion is not met.
- c. There will be an enhancement to the immediate setting of the buildings: There is no evidence to satisfy this criterion.
- d. The form, bulk, design, landscaping and materials used in the change of use and adaptation and any associated extensions are sensitive to the character and appearance of the building and locality: There is no evidence to satisfy this criterion.
- e. There is a safe vehicular site access: The local highway authority noted the intensification of use, and requested conditions be imposed to meet concerns however, in any event, the previous four criteria are not met.”

The building operations required for any purported development pursuant to Class Q [of the General Permitted Development Order] of these two buildings would include the installation of a floor, as the applicant’s own structural survey confirms that it only has an earth floor. The installation of a floor is a building operation too far, which takes the proposal outside of the scope of Class Q.

The site and its surroundings

43. The application site consists of 2 substantial, relatively modern, agricultural buildings located within open countryside. The site is outside of any development framework. There is an existing access from the Shepreth Road that serves the buildings. The site is surrounded by field hedgerows interspersed with specimen trees.

The proposal

44. This application seeks full planning permission to convert 2No. agricultural buildings into a single dwelling, with integral annexe, and creation of a garden area and erection of stable building.

Planning assessment

Principle of Development

45. The application site is located outside of the development framework and within the countryside.
46. The starting point when considering applications is to assess them against the Development Plan. In this instance, the South Cambridgeshire Local Plan 2018 is the primary document. Decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise.
47. Local Plan policies seek to control development within the countryside and are intended to facilitate growth within the existing settlements, where there is better access to services and facilities. Policy S/7 of the Local Plan emphasises the need to restrict development outside of the Development Frameworks to that which is necessary or is covered by other policies within the Local Plan.
48. Officers consider that policy H/17 of the Local Plan is particularly relevant to the conversion of disused rural buildings and therefore the consideration of this planning application.
49. However, Fowlmere Parish Council does not consider the proposed development to be a conversion of the existing building and therefore they do not believe that policy H/17 of the Local Plan applies. In addition, GSC Solicitors LLP, state that the case of Hibbitt -v- SSCLG, confirmed that a building comprising a light steel frame supporting a corrugated roof, which is largely open to the elements on three sides (except for limited cladding) is not capable of being converted to residential.
50. Part 3, Class Q of Schedule 2 of the General Permitted Development Order 2015 (as amended) permits building operations which are reasonably necessary to convert the building, including the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house. Each case must be considered on its own individual merits as to whether or not it comprises a conversion and, as concluded in the case of Hibbitt -v- SSCLG, Hibbitt, it is a matter of legitimate planning judgment as to where the line is drawn.
51. Fowlmere Parish Council believes that, in line with Policy S/7 of the Local Plan, the development should not be permitted outside of the development framework. Fowlmere Parish Council has also stated that, if policy H/17 of the Local Plan were to apply, Fowlmere Parish Council do not consider the proposed development complies with that policy.
52. Policy H/17 of the Local Plan contains the following criteria:
53. The buildings are unsuitable for employment use, or it being demonstrated through marketing the development opportunity for at least 12 months at a realistic price, that there is no demand for their development for employment use;
54. The buildings are structurally sound, not makeshift in nature and are of permanent, substantial construction;

55. There will be an enhancement to the immediate setting of the buildings;
56. The form, bulk, design, landscaping and materials used in the change of use and adaptation and any associated extensions are sensitive to the character and appearance of the building and locality;
57. There is a safe vehicular site access.
58. Officers have considered the merits of this planning application against the requirements of policy H/17 of the Local Plan, below:
59. H/17 Criteria a) - The policy requires either a demonstration of the unsuitability of a building for employment use or a lack of demand for employment use evidenced through 12 months marketing. The application is not supported by any evidence of marketing but instead relies upon the unsuitability of the building for employment use in meeting criterion a), and also the existing Class Q approval that allows these buildings to be converted to 2 dwellings. The buildings are in an isolated location remote from any residential population and the creation of an employment use in this location could generate a significant amount of vehicle movements. The access into the site, whilst acceptable for a single dwelling, is unlikely to be sufficient for an employment use and it could generate a significant number of vehicular movements that may be incompatible and out of character with the surroundings. Whilst these other potential impacts are relevant, the Class Q approval for the buildings to be used as 2 No. dwellings is considered to be the most significant consideration. On the basis of this, it would not be reasonable to insist that these buildings be re-used or marketed for employment purposes.
60. H/17 Criteria b) – There is an extant grant of Prior Approval, under Part 3, Class Q of Schedule 2 of the General Permitted Development Order, for change of use and conversion of the agricultural buildings to 2 dwellings (application ref: 20/05371/PRI03Q). The buildings are therefore considered to be of sufficient permanence, strength, and structural integrity to allow for a conversion rather than a rebuild. Further information has been submitted from a fully qualified structural engineer to demonstrate how the steel frame of the buildings would support the conversion and could be adapted to create the additional height. The existing buildings are therefore considered to be structurally sound, not makeshift in nature and are of permanent substantial construction.
61. H/17 Criteria c) - The buildings are in a good state of repair and the land is tidy. The proposed development would create 1 No. well-designed home that would make good use of the structure. The additional planting would enhance the immediate setting of the buildings.
62. H/17 Criteria d) - The proposed development is well designed and would use suitable materials which would be sensitive to the character and appearance of the building and locality. The form of the proposed development would remain similar to the existing buildings, though its height would be increased. The increase in height of the existing buildings, from 5.4m to 6.6m, would not result in a bulk which would have an adverse impact upon the building and locality, particularly given the significant distance of the proposed development from public views. The proposed

gravel track driveway, surrounding grass and proposed tree planting would provide landscaping which is sensitive to the character and appearance of the building and locality. The form, bulk, design, landscaping and materials are considered to be sensitive to the character and appearance of the building and locality. Although sun reflection from the two-storey glazing within the south-east elevation could draw attention to the proposed development, officers do not consider such impacts would be harmful and remain of the view that the changed character and scale of the buildings that would result from the proposed development would be sensitive to the building and locality.

63. H/17 Criteria e) – The Local Highway Authority is satisfied that the access is suitable and safe for the proposed development.

64. For the reasons set out above, officers consider that the proposed development complies with policy H/17 of the Local Plan.

65. Policy S/7 of the Local Plan states (in part):

66. 'Outside development frameworks, only allocations within Neighbourhood Plans that have come into force and development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside or where supported by other policies in this plan will be permitted'.

67. As stated above, officers consider that the proposal is supported by policy H/17 of the Local Plan, it follows therefore that it also complies with policy S/7, of the Local Plan.

68. A representation received from GSC Solicitors LLP, on behalf of Fowlmere Parish Council, argues that a 2018 Prior Approval decision relating to the building (application ref: S/2685/18/PA) is a nullity and therefore there is no Prior Approval or fallback position. It also states that the building is insubstantial and argues that the extent of the required building operations would inevitably go beyond the extent of the works that are allowed by Class Q building to function as a dwellinghouse, and would disqualify the building from residential conversion under Class Q. This representation argues that the absence of a meaningful fallback leaves the Application to be determined on its own merits and against policy H/17 of the Local Plan. The Planning Practice Guidance makes it quite clear that the rights permit building operations which are reasonably necessary to convert the building, including the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house. Planning Practice Guidance also extends this consideration to the construction of new floors. As stated in the Hibbitt case, it is a matter of legitimate planning judgment as to where the line is drawn.

69. However, since this representation was received by the LPA, a new Prior Approval application (application ref: 20/05371/PRI03Q) for change of use of agricultural building to 2 No. dwellinghouses (Class C3) and for associated operational development, under Part 3, Class Q of Schedule 2 of the General Permitted Development Order, has been granted by the LPA on 16th February 2021. The legitimate fallback position of the most recent grant of Prior Approval (ref:

20/05371/PRI03Q) must be considered as part of the determination of this planning application, as it forms a significant material planning consideration relevant to the determination of this planning application.

70. Case law from 2017 (Michael Mansell and Tonbridge and Malling Borough Council) established the need for decision makers to take into account permitted development rights (Part 3, Class Q of Schedule 2 of the General Permitted Development Order, in this instance) when considering a planning application. This fallback position needs to be properly considered by Members as it is essential that Members assess the current proposal against other development that could legitimately occur through the exercise of permitted development rights and Prior Approval ref: 20/05371/PRI03Q.
71. With consideration given to policy H/17 of the South Cambridgeshire Local Plan, and also the permitted development fallback position afforded by Prior Approval ref: 20/05371/PRI03Q, it is considered that the principle of development for the proposed dwelling is established and acceptable.
72. As stated above, third parties have expressed concern that this proposal is a new-build rather than a conversion and that policy H/17 of the Local Plan does not therefore apply. They believe that in line with Policy S/7 of the Local Plan the development should not be permitted outside the village development framework.
73. Were Members to consider that the proposal amounts to new-build and not a conversion and therefore that policy H/17 of the Local Plan does not apply to the proposal (though officers consider it does), and Members were to consider that such new-build would be contrary to policy S/7 of the Local Plan, in that new dwellings would not normally be permitted outside of village frameworks, it remains the case that the buildings to which the application relates have a legitimate fallback position for conversion to 2No. dwellings, as a result of the grant of Prior Approval ref: 20/05371/PRI03Q, which is capable of being implemented and provides a fallback position with a real prospect of being carried out.
74. It is the view of officers that the establishment of the principle of residential development on this site is a significant material planning consideration and even if the proposal were to be assessed as a new-build against policy S/7 of the Local Plan, the establishment of the principle of residential development on this site would outweigh the principle that residential development should not normally be located outside of development frameworks, set out in Policy S/7 of the Local Plan, since that policy principle is not now capable of being fulfilled due to the fallback position. However, it remains the case that officers consider the proposal to be a conversion and, having regard to the fallback position, have concluded it complies with Policy H/17 of the Local Plan as set out above.
75. The proposed development would also include the erection of a new stable building which is of a modest height and scale, and is of a rural design and appearance, sympathetic to the character and appearance of the countryside. The proposed stable building is considered appropriate development within the countryside, in accordance with policies S/7 and HQ/1 of the South Cambridgeshire Local Plan 2018.

Visual amenity and local character

76. The visual impact of the conversion is a key consideration for this application. As noted above, policy H/17 of the Local Plan, in addition to other policies within the Local Plan, requires an assessment of the visual impact. The existing buildings are located within open countryside and can be seen from various vantage points. The existing buildings, whilst visible, sit comfortably within the landscape and do not detract from the character of the area.
77. A representation from Fowlmere Parish Council states that replacing the permission established under Class Q for two modest dwellings with permission for a single larger dwelling is less sensitive to the character and appearance of the building and locality as the bulk of the structures would be significantly increased, whereas under the granted Class Q the scale of the structure would be reduced through the removal of the central linking roof and conversion of the existing frames. Fowlmere Parish Council has also raised concerns with the increase in height of the building which is proposed.
78. Officers consider that the increase in the height of the 2 main buildings by just over a metre will not affect the character of the buildings as the form and footprint will remain the same. The profile sheeting will replicate the current structure and the use of timber cladding on external elevations is common in the area.
79. The increase in the height of the central linking area to house a stairwell will have an impact upon the character of the building, however it is considered that the style of the change will appear similar to the traditional approach of creating a covered yard in between existing buildings to create shelter. The curved roof is considered to be an acceptable design solution.
80. The initial site plan included the buildings and the entire field within the 'red line'. This has been amended to show only the proposed buildings and garden area within the application site. This limited curtilage area will prevent any domestic sprawl / paraphernalia encroaching into the field / paddock area between the proposed development and Shepreth Road.
81. Due to the modest height and scale, and agricultural appearance of the proposed stable building, it is considered that this element of the proposed development would be sympathetic to the countryside location and would not harm the character or appearance of the area.
82. The site is not located near to any Listed Buildings or Conservation Area and would therefore have no impacts on such heritage assets. Cambridgeshire County Council Archaeology initially considered archaeological investigation was required as the site is within 150m of West Hill Scheduled Ancient Monument (subterranean iron age/roman settlement). However, following submission of additional information which shows the amount of ground intrusion would be minimal, they do not consider it a proportionate response to require an archaeological investigation.

83. Taking into account the Class Q fallback position, it is considered that the proposed development would preserve the character and appearance of the area and would not harm any heritage assets, in accordance with policies HQ/1, NH/2, NH/14 and H/17 of the South Cambridgeshire Local Plan 2018.

Highway Matters

84. The application seeks to use the existing access / field entrance to serve the proposed development. This is the same access arrangement as was permitted through the previous Class Q approval. The Highway Authority does not object to the application and requests conditions are appended to any grant of planning permission in respect of pedestrian visibility splays, driveway drainage and surfacing, and gates.

85. It is therefore considered that the proposed development would not result in any harm to highway safety, in accordance with policy HQ/1 of the South Cambridgeshire Local Plan 2018.

Sustainability Considerations

86. It is accepted that the site is located in an unsustainable location in terms of accessibility to facilities and services for a new dwelling. However, Prior Approval decision (SCDC application ref: 20/05371/PRI03Q) provides a fallback position whereby 2No. dwellings could be accommodated in this location. This application would result in 1No. dwelling and would inevitably result in fewer vehicle movements than if the Prior Approval decision was implemented.

87. The Design and Access Statement states that the proposed development would include a range of measures for energy production and energy efficiency, comprising the following:

- Concealed solar panels over the entire roof
- Ground source heat pump
- Solar panels to provide power to gates, external lighting and stable
- Self cleaning biomass stove
- Surface water collection tanks (underground) for livestock and irrigation.

88. Policy CC/3 of the South Cambridgeshire Local Plan 2018 requires that proposals for new dwellings shall reduce carbon emissions by a minimum of 10% (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) through the use of on-site renewable energy and low carbon technologies. In order to ensure that this is achieved, a condition could be appended to the planning permission requiring a scheme demonstrating this to be agreed by the LPA.

89. Policy CC/4 of the South Cambridgeshire Local Plan 2018 states that all new residential developments must achieve as a minimum water efficiency equivalent to 110 litres per person per day. In order to ensure that this is achieved, a condition could be appended to the planning permission requiring this to be complied with.

Residential Amenity

90. By virtue of its isolated location and significant separation distance from any neighbouring properties, the proposed development would not create any detrimental impacts upon the residential amenity of any nearby properties. Furthermore, the proposed development would provide a high level of residential amenity for future occupants of the proposed dwelling.
91. It is therefore considered that the proposed development complies with policy HQ/1 of the South Cambridgeshire Local Plan 2018.

Ecology

92. The application is supported by an Emergence and Activity Bat Survey report which concludes that bats are using the site and hedgerows for foraging purposes, but there is no evidence of any roosts within the structures. This report follows a stage 1 Ecological assessment which was carried out in December 2019 in respect of this site. In order to maintain and enhance ecology, it is considered reasonable and necessary to append planning conditions requiring the development to be carried out in accordance with the recommendations of the submitted report and requiring ecology enhancements to be agreed by the Local Planning Authority.
93. It is therefore considered that the proposed development would preserve and enhance ecological interests, in accordance with Policies S/3, HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

Trees / Hedgerows

94. The proposed development does not include the loss of any trees or hedgerows around the site, including the hedgerows on the road frontage. The application proposes additional planting within the site. The Council's Trees Officer has no arboricultural or hedgerow objections to the application, but states it is likely that hedgerows on or adjacent the site may qualify as 'important hedgerows' under the Hedgerow Regulations 1997, and requests a condition requiring retention of the north-west boundary hedge which is likely to be an important hedgerow and habitat. A condition could be appended to the planning permission requiring this hedgerow to be retained.
95. It is therefore considered that the proposed development would not result in any significant harm to trees or hedgerows, in accordance with policies S/3 and NH/4 of the South Cambridgeshire Local Plan 2018.

Flood risk and drainage

96. The proposed dwelling and stable would be located within Flood Zone 1, where the principle of development is considered acceptable in flood risk terms. The Council's Drainage Officer has reviewed the application and states that there are minor fluvial flood risk issues associated with the Fowlmere Award Drain that can be mitigated against by having a finished floor level of 300mm above the existing ground level, and that the development proposed is acceptable subject to conditions requiring

details of foul and surface water drainage to be agreed with the LPA and requiring the finished floor level to be 300mm above the existing ground level.

97. Subject to these conditions, it is considered that the proposed development complies with policies CC/7, CC/8 and CC/9 of the South Cambridgeshire Local Plan 2018.

Contaminated Land

98. The building and garden area have been used for agricultural purposes and there is potential that contamination may exist. Following submission of a Phase I Desk Study report during the course of the application, the Contaminated Land Officer agrees the findings of the report and states that as long as any recommendations (for example, removal of asbestos containing materials) are adhered to this is satisfactory and no further works should be required. This could be secured by a planning condition. It is therefore considered that the proposed development complies with policy SC/11 of the South Cambridgeshire Local Plan 2018.

Broadband

99. Policy TI/10 of the South Cambridgeshire Local Plan 2018 states that new development (residential, employment and commercial) will be expected to contribute towards the provision of infrastructure suitable to enable the delivery of high speed broadband services across the district. As a minimum, suitable ducting to industry standards should be provided to the public highway that can accept fibre optic cabling or other emerging technology. Other forms of infrastructure, such as facilities supporting mobile broadband and Wi-Fi, should be included where possible and viable. In order to ensure that this is achieved, a condition could be appended to the planning permission requiring this to be complied with.

Other matters

100. A representation from Fowlmere Parish Council has stated that replacing the permission established under Class Q for two modest dwellings with permission for a single larger dwelling is detrimental to the obligation of the planning authority to meet its housing delivery targets and runs counter to proven local demand for smaller and more affordable housing (as demonstrated through Fowlmeres recent housing needs survey). However, the Council can currently demonstrate an adequate 5 year housing supply and the proposed development would therefore not result in any significant detrimental harm to the District's housing delivery targets. Furthermore, there is no policy requirement relevant to housing mix or affordable housing for a development of the size approved by Prior Approval permission 20/05371/PRI03Q or proposed by the current application.
101. A representation from the occupier of The Elms, Fews Lane, Longstanton, submitted on behalf of Fews Lane Consortium, has raised that the plans listed for approval in the previous officer report to Planning Committee were different to the plans published by the District Council, and made available to statutory consultees, during the consultation period. The plans specified within Condition 2 of the recommended conditions, contained within Appendix A of this report, are accurate and have been fully consulted on with all relevant statutory consultees and interested parties. In

addition, this representation raised that the modified location plan fails to comply with the relevant statutory requirements provided under article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A revised location plan has been received on 6th April 2021 and all relevant statutory consultees and interested parties have been fully re-consulted on this revision. Officers consider this revised location plan complies with the relevant statutory requirements provided under article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. As such, Officers consider that pursuant to section 327A of the Town and Country Planning Act 1990, the Council can entertain this application.

Planning balance and conclusion

102. Having regard to the fallback position resulting from Prior Approval permission (SCDC application ref: 20/05371/PRI03Q) for the conversion of these buildings into 2 dwellings, the principle of residential development has been established on this site. Taking into account the impacts of the proposed development, considered against this fallback position, it is considered that, on balance, any additional visual impact would be offset by this more sustainable form of development.

Recommendation

103. That planning permission be approved, subject to the following conditions and Informative:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans, as listed on this decision notice.

- Drawing no. 5137/1 Revision 1 - Existing and proposed elevations/roof plan/site plan – Received 6th December 2019.
- Drawing no. 5137/1 Revision 1 - Proposed ground and first floor plans – Received 6th December 2019.
- Drawing no. 5137/2 Revision 1 (Site plan/ Access details/ Hardlandscaping details/ Parking details/ Proposed new stable block/ Tree planting schedule) - Received 29th May 2020.
- Emergence and Activity Bat Survey report (Cherryfield Ecology) – Received 29th May 2020.
- Phase I Geo-Environmental Desk Study (EPS) – Received 29th May 2020.

- Plan ref: Cherry Tree Field Location Plan - Received 6th April 2021.
- Plan ref: Cherry Tree Field Curtilage Plan - Received 6th April 2021.
- Plan ref: CHERRY TREE BARNS - PROPOSED STABLE BLOCK - Received 6th April 2021.

Reason: In the interests of good planning, for the avoidance of doubt and 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 occupation of the development, hereby permitted, the curtilage of the approved dwelling shall be fully laid out and finished in accordance with the approved plans. The curtilage shall remain as such thereafter.

Reason: To ensure an appropriate level of amenity for future occupiers and to avoid the property being built and occupied without its garden land, in accordance with policy HQ/1 of the South Cambridgeshire Local Plan 2018.

- 4) Prior to the first occupation or bringing into use of the hereby approved development, pedestrian visibility splays shall be provided each side of the vehicular access in full accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety, in accordance with policy HQ/1 of the South Cambridgeshire Local Plan 2018 and paragraphs 108 and 109 of the NPPF 2019.

- 5) No development shall take place above ground level, other than demolition, until samples of the external materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area, in accordance with policy HQ/1 of the South Cambridgeshire Local Plan 2018.

- 6) Notwithstanding the provisions of Schedule 2, Part 1, Classes A - H of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwellinghouse; the construction of additional storeys; additions or alterations to the roof; porches; incidental buildings and structures within the curtilage; the provision of hard surfaces; chimneys, flues; and microwave antenna, shall not be allowed within the curtilage of the dwelling without the granting of specific planning permission.

Reason: To ensure that the external appearance of the development does not detract from the character and appearance of the area, in accordance with policy HQ/1 of the South Cambridgeshire Local Plan 2018.

- 7) No development shall commence until details of soft landscape works have been submitted to and approved in writing by the local planning authority. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and an implementation programme.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development, in accordance with policies NH/2 and HQ/1 of the South Cambridgeshire Local Plan 2018.

- 8) No development above ground level shall proceed until an Energy Statement has been submitted to and approved in writing by the local planning authority. The Statement shall demonstrate that a minimum of 10% 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 approved scheme shall be fully installed and operational prior to the occupation of the development and thereafter maintained in accordance with the approved details. Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Carbon Reduction Statement shall be submitted to and approved in writing by the local planning authority. The revised Carbon Reduction Statement shall be implemented and thereafter maintained in accordance with the approved details.

Reason: In the interests of reducing carbon dioxide emissions and to ensure that development does not give rise to unacceptable pollution (South Cambridgeshire District Council Local Plan 2018, policy CC/3 and Greater Cambridge Sustainable Design and Construction SPD)

- 9) No dwelling(s) shall be occupied until a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach set out in Part G of the Building Regulations 2010 (2015 edition) has been submitted to and approved in writing by the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day and the development shall be carried out in accordance with the agreed details.

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.

- 10) The development hereby approved shall be carried out in strict accordance with Section 4.3 'Recommendations' of the Emergence and Activity Bat Survey report, prepared by Cherryfield Ecology and dated 26th May 2020.

Reason – To preserve and enhance ecological interests, in accordance with Policies S/3, HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 11) 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 preserve and enhance ecological interests, in accordance with Policies S/3, HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 12) The dwelling hereby approved shall not be occupied until the dwelling has been provided with sufficient infrastructure, including sockets, cabling and connection points, sufficient to enable Wi-Fi, and suitable ducting (in accordance with the Data Ducting Infrastructure for New Homes Guidance Note) has been provided to the public highway that can accommodate fibre optic cabling, 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.

- 13) The development hereby approved shall be carried out in strict accordance with Section 4 'Conclusions and Recommendations' of the Phase I Geo-Environmental Desk Study prepared by EPS and dated 14th May 2020.

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 SC/11 of the South Cambridgeshire Local Plan 2018.

- 14) If, during remediation or construction works, any additional or unexpected contamination is identified, then remediation proposals for this material shall be agreed in writing by the Local Planning Authority before any works proceed and shall be fully implemented prior to first occupation of the dwelling hereby approved.

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 SC/11 of the South Cambridgeshire Local Plan 2018.

- 15) The existing hedge along the north-west boundary of the site shall be retained 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 S/3 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 16) Prior to the commencement of any development, a scheme for the provision and implementation of foul and 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, to prevent the increased risk of flooding, to reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage, in accordance with Policies HQ/1, CC/7, CC/8 and CC/9 of the South Cambridgeshire Local Plan 2018.

- 17) The finished ground floor levels of the hereby approved dwelling shall be set no lower than 300mm above existing ground level.

Reason - To prevent the increased risk of flooding, in accordance with Policies HQ/1, CC/7, CC/8 and CC/9 of the South Cambridgeshire Local Plan 2018.

- 18) The driveway of the hereby approved development 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 interests of highway safety, in accordance with policy HQ/1 of the South Cambridgeshire Local Plan 2018 and paragraphs 108 and 109 of the NPPF 2019.

- 19) Prior to the first occupation or bringing into use of the hereby approved development, the driveway of the hereby approved development shall be constructed using a bound material for the first five metres from the boundary of the adopted public highway into the site.

Reason: To prevent debris spreading onto the adopted public highway and in the interests of highway safety, in accordance with policy HQ/1 of the South Cambridgeshire Local Plan 2018 and paragraphs 108 and 109 of the NPPF 2019.

- 20) Prior to the first occupation or bringing into use of the hereby approved development, any gate or gates to the vehicular access shall be set back a minimum of 5m from the near edge of the highway boundary and not from the carriageway edge. Any access gate or gates shall be hung to open inwards.

Reason: In the interests of highway safety, in accordance with policy HQ/1 of the South Cambridgeshire Local Plan 2018 and paragraphs 108 and 109 of the NPPF 2019.

Recommended Informative:

The granting of planning permission does not constitute a permission or a licence to a developer to carry out works within the highway or to cause any disturbance to the highway.

Report Author:

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