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| <b>Planning Committee Date</b>               | 18.01.2023   |
| <b>Report to</b>                             | South Cambridgeshire District Council<br>Planning Committee  |
| <b>Lead Officer</b>                          | Joint Director of Planning and Economic<br>Development   |
| <b>Reference<br/>Site<br/>Ward / Parish</b>  | 22/03852/FUL<br><br>Balsham  |
| <b>Proposal</b>                              | Re-submission of previous approval -<br>S/1629/16/FL - Change green area outlined in<br>red on the plan into an additional parking area<br>due to very limited parking availability and<br>neighbour disputes  |
| <b>Applicant</b>                             | Mr Sean Gentle, Housing, South<br>Cambridgeshire District Council  |
| <b>Presenting Officer</b>                    | Nick Yager   |
| <b>Reason Reported to<br/>Committee</b>      | Land within ownership of the Council/<br>Application submitted by an officer of the<br>Council   |
| <b>Member Site Visit Date<br/>Key Issues</b> | <ol style="list-style-type: none"><li>1. No material harm to the parking of the<br/>area.</li><li>2. No adverse impact upon the character<br/>or appearance of the area,</li><li>3. No adverse impact upon the amenities<br/>of neighbouring properties.</li></ol> |
| <b>Recommendation</b>                        | <b>APPROVE</b> subject to conditions   |

## 1.0 Executive Summary

- 1.1 The application seeks planning permission for the material change of use of a soft landscape (grassed) area into additional car parking. The application would lead to an additional of two car parking spaces.
- 1.2 Land is within ownership of the Council and the application is submitted by officer of the Council's Housing team.
- 1.3 The application is a re-submission of previous approval S/1629/16/FL. The past application was approved on the 06.09.2018 however, was never implemented and the time limit has since lapsed. The re-submission the size and scale as the past approval.
- 1.4 No third-party representations or Parish Council comments received.
- 1.5 Officers recommend that the Planning Committee approves the application.

## 2.0 Site Description and Context

|   |   |                         |  |
|---|---|-------------------------|--|
| None relevant                           | x | Tree Preservation Order |  |
| Conservation Area                       |   | Local Nature Reserve    |  |
| Listed Building                         |   | Flood Zone 2 and 3      |  |
| Building of Local Interest              |   | Green Belt              |  |
| Historic Park and Garden                |   | Protected Open Space    |  |
| Scheduled Ancient Monument              |   | Controlled Parking Zone |  |
| Local Neighbourhood and District Centre |   | Article 4 Direction     |  |

\*X indicates relevance

- 2.1 The application site is located within the development framework and Parish boundary of Balsham. The application site is located within Dolls Close. The application is surrounded by residential properties. The application site is not located within a Conservation Area nor is there any listed buildings located within proximity of the site. The site is located within flood zone 1 (low risk) and there is no surface water identified within the area.

### **3.0 The Proposal**

- 3.1 The application seeks planning permission for the material change of use of a soft landscaped (grassed) area into an additional parking area. The application would lead to an additional two car parking spaces. The increase of parking area to an increase of hard surfacing by approximately 70m<sup>2</sup>.
- 3.2 The application is a re-submission of previous approval S/1629/16/FL. The past application was approved on the 06.09.2018 however, this permission was never implemented, and the time limit has since lapsed. The re-submission is an identical submission to the past permission.
- 3.3 An amended parking plan was provided on the 24.10.2022. This was provided due highway comments regarding surface water drainage across the public highway. The amended plans provided included a gulley to a soakaway and provided an area of car parking to be constructed of a porous paving for infiltration.
- 3.4 Land is within ownership of the Council and the application is submitted by an officer of the Council's Housing team and is therefore, referred to committee.

### **4.0 Relevant Site History**

| <b>Reference</b> | <b>Description</b>  | <b>Outcome</b> |
|------------------|---|----------------|
| S/1629/16/FL     | Creation of additional parking area on existing green area. | Approved       |

- 4.1 The application is a re-submission of previous approval S/1629/16/FL. The past application was approved on the 06.09.2018 however, was never implemented and the time limit has since lapsed. The re-submission is an identical submission to the previous permission.

### **5.0 Policy**

#### **5.1 National**

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

## 5.2 **South Cambridgeshire Local Plan 2018**

S/7 – Development Frameworks

CC/8 – Sustainable Drainage Systems

CC/9 – Managing Flood Risk

HQ/1 – Design Principles

NH/2 – Protecting and Enhancing Landscape Character

NH/4 – Biodiversity

TI/3 – Parking Provision

## 5.3 **Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

- 5.4 The following SPDs were adopted to provide guidance to support previously adopted Development Plan Documents that have now been superseded by the South Cambridgeshire Local Plan 2018. These documents are still material considerations when making planning decisions, with the weight in decision making to be determined on a case-by-case basis:

Landscape in New Developments SPD – Adopted March 2010

District Design Guide SPD – Adopted March 2010

## 6.0 **Consultations**

### 6.1 **Parish Council**

No comments received.

### 6.2 **County Highways Development Management - No Objection**

1<sup>st</sup> Comment

The primary works proposed by this application are outside the extent of the public highway. However, the works will abut the public highway on all four sides. As such, the Local Highway Authority wish to ensure that these works do not result in surface water from the works area drains across or onto the public highway

2<sup>nd</sup> Comment

The introduction of a soakaway to the proposal is welcomed. New kerbing and carriageway tie-in will need to be installed along the public highway as part of these works. These details will need to be agreed and approved by the Local Highway Authority via a separate Section 278 Agreement.

The Local Highway Authority therefore confirmed a no objection and requested a falls and levels condition and informative to be included on any granted permission.

### **6.3 Sustainable Drainage Officer – No Objection**

The development proposed is acceptable subject to the imposition of the condition requiring the details of disposals of surface water.

### **6.4 Tree Officer – No Objection**

I have no arboricultural or hedgerow objections this application.

### **6.5 Environmental Health –No Objection**

No comments.

### **7.0 Third Party Representations**

7.1 No third-party representations received.

### **8.0 Member Representations**

8.1 No comments received.

8.2 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

### **9.0 Assessment**

#### **Principle of Development**

9.1 Policy S/7 of the Local Plan states that 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.

9.2 The supporting text to policy S/7 sets out the development frameworks define where policies for the built-up areas of settlements give way to policies for the countryside. This is necessary to ensure that the countryside is protected from gradual encroachment on the edges of villages and to help guard against incremental growth in unsustainable locations.

- 9.3 The application proposes the creation of additional parking area on existing soft landscaped (grassed) area. The proposal is located within the development framework of Balsham. There are no in-principal objections to the proposal the proposal is in accordance with Local Plan Policy S/7.

### **Design, Layout, Scale and Landscaping**

- 9.4 Policy HQ/1 'Design Principles' provides a comprehensive list of criteria by which development proposals must adhere to, requiring that all new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its local and wider context.
- 9.5 Policy NH/2 is relevant to the landscape and visual impacts of a proposal. It seeks to permit development only where it respects and retains or enhances the local character and distinctiveness of the local landscape and its National Character Area.
- 9.6 The District Design Guide SPD (2010) and Landscape in New Developments SPD (2010) provide additional guidance. The NPPF provides advice on achieving well-designed places and conserving and enhancing the natural environment.
- 9.7 The proposal would lead to the creation of an additional parking area on existing grassed area. The proposal is adjacent to and will be seen in context with the existing car parking area of Dolls Close. The proposal will lead to an increase of hard surfacing by approx. 70m<sup>2</sup> to allow for an additional two car parking spaces.
- 9.8 Whilst the proposal will result in the loss of small area of grass, its replacement with additional car parking will not have an adverse impact upon the character or appearance of the area. The existing footpaths and hedge lines around the site will remain in place. Therefore, retaining the local character of the Close.
- 9.9 Materials are shown within the submitted parking plan which will be secured through condition 2 (Approved Plans).
- 9.10 The Tree Officer was consulted on the application and stated that there were no arboricultural or hedgerow objections this application. The proposal would therefore not lead to any harm to important trees or hedgerows.
- 9.11 Overall, the proposal is compliant with South Cambridgeshire Local Plan (2018) policies HQ/1 and NH/2.

### **Biodiversity**

- 9.12 The NPPF (paragraph 174) and the Councils' Biodiversity SPD (2022) require development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach accords with policy NH/4 which outlines a primary objective for biodiversity to be conserved or enhanced and provides for the protection of Protected Species, Priority Species and Priority Habitat.
- 9.13 The proposal would lead to an increase of hard surfacing and the removal of existing grassed area. Noting the context of the site, which is a small area of amenity grassland, the proposal would not lead to material harm to biodiversity of the area. The proposal would lead to limited opportunities for biodiversity enhancements and biodiversity net gain in this instance noting the existing and proposed context. Therefore, biodiversity conditions are not considered to be reasonable or necessary in this instance.
- 9.14 Officer's satisfied that the proposed development complies with policy NH/14, the Biodiversity SPD 2022, the requirements of the Environment Act 2021 and 06/2005 Circular advice.

#### **Water Management and Flood Risk**

- 9.15 Policies CC/8 and CC/9 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paras. 159 – 169 of the NPPF are relevant.
- 9.16 The site is in Flood Zone 1 and is therefore considered at low risk of flooding. There are no surface water flood risk issues.
- 9.17 The Council's Sustainable Drainage Engineer has advised that the development proposed is acceptable subject to the imposition of the condition that prior to commencement of development a scheme for the disposal of surface water, which is considered to be reasonable in this instance.
- 9.18 The applicants have suitably addressed the issues of surface water management and flood risk, and subject to conditions the proposal is in accordance with the NPPF and Local Plan policies CC/8 and CC/9.

#### **Highway Safety and Transport Impacts**

- 9.19 Policy HQ/1 states that proposals must provide safe and convenient access for all users and abilities to public buildings and spaces, including those with limited mobility or those with impairment such as sight or hearing.
- 9.20 Policy TI/2 requires developers to demonstrate adequate provision will be made to mitigate the likely impacts of the proposed development and, for

larger developments, to demonstrate they have maximised opportunities for sustainable travel, and provided a Transport Assessment and Travel Plan.

- 9.21 Para. 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.22 The Highway Authority was consulted on the application and initially stated that the primary works proposed by this application are outside the extent of the public highway. However, the works will abut the public highway on all four sides. As such, the Local Highway Authority wish to ensure that these works do not result in surface water draining across or onto the public highway.
- 9.23 An amended parking plan was provided on the 24.10.2022. The amended plans provided included a gully to soakaway and provided an area of car parking to be constructed of a porous paving for infiltration. The Highway Authority was then re-consulted and raise no objection subject to a levels condition. The Highway Authority noted that new kerbing and carriageway tie-in will need to be installed along the public highway and that these works will need to be agreed and approved by the Local Highway Authority via a separate Section 278 Agreement.
- 9.24 The proposal accords with the objectives of policy TI/2 and HQ/1 of the Local Plan and is compliant with NPPF advice.

### **Amenity**

- 9.25 Policy HQ/1 (n), sets out that proposals must protect the health and amenity of occupiers and surrounding uses from development that is overlooking, overbearing or results in a loss of daylight or development which would create unacceptable impacts such as noise, vibration, odour, emissions and dust.
- 9.26 There are a number of residential properties which surrounding the Close. It is understood that availability of on street parking has been a source of neighbour complaint and therefore, is being proposed to alleviate these concerns. Given there are existing vehicle movements already taking place in the locality, it is not considered that the addition of 2 car parking spaces will create a material increase in noise and disturbance for existing residents. The amenity of existing occupiers is therefore, not considered to be materially harmed by the proposal.
- 9.27 No objections have been received from neighbouring occupiers. Given the adjacent context, location, size, and design of the proposal it is not



considered unlikely to give rise to any significant amenity impacts in terms of additional noise and disturbance. The proposal is therefore compliant with Local Plan policy HQ/1.

## 9.28 Third Party Representations

9.29 No third-party representations received.

## 10.0 Recommendation

**Approve** subject to the following conditions:

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 approved plans as listed on this decision notice.

| Plan Type            | Drawing No.          | Date Submitted |
|----------------------|----------------------|----------------|
| Location Plan        |                      | 26.08.2022     |
| Amended Parking Plan | 01.2022.Dolls Rev 03 | 24.10.2022     |

3. Prior to commencement of development a scheme for the disposal of surface water that can be maintained for the lifetime of the development shall be provided to and agreed in writing with the local planning authority. This would need to include:
  - a) The existing drainage arrangements of the site including discharge location and rate where appropriate;
  - b) The proposed discharge location in accordance with the drainage hierarchy and reasonable evidence this can be achieved; and
  - c) A site plan identifying indicative locations for sustainable drainage features.
  - d) Evidence to support b) which must include infiltration/percolation testing or written confirmation from the appropriate water authority/third party that a discharge to its drainage system is acceptable.
  - e) Details of foul discharge location or treatment plant and discharge location.

All external areas should utilise permeable surfaces.

Reason: To reduce the risk of pollution to the water environment and to ensure a satisfactory method of surface and foul water drainage in

accordance with Policies CC/7 and CC/8 of the South Cambridgeshire Local Plan 2018.

4. The works area shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the 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 in accordance with Policies TI/2 and HQ/1 of the South Cambridgeshire Local Plan 2018.

### **Informatives**

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