



**Planning Committee Date**

**Report to** South Cambridgeshire District Council  
Planning Committee

**Lead Officer** Joint Director of Planning and Economic  
Development

**Reference** 22/04011/FUL

**Site** The Bungalow, Haden Way, Willingham

**Ward / Parish** Willingham

**Proposal** Replacement dwelling following demolition of  
existing

**Applicant** Mr J Rooney

**Presenting Officer** Phoebe Carter

**Reason Reported to Committee** Called-in by Parish Council and the application  
raises special planning policy or other  
considerations

**Member Site Visit Date** N/A

**Key Issues** 1. Whether satisfactory information has been  
submitted to remove the agricultural tie of the  
original permission for the bungalow.

**Recommendation** **APPROVE** subject to conditions

## 1.0 Executive Summary

- 1.1 The application seeks planning permission for the replacement dwelling following demolition of the existing dwelling outside the Development Framework of Willingham. The existing dwelling was approved subject to a condition restricting the use to agriculture. The new dwelling would be single storey and contain 4 bedrooms, with no agricultural tie. It would have a maximum ridge height of 6.3 metres.
- 1.2 Officers recommend that the Planning Committee approve the application subject to conditions

## 2.0 Site Description and Context

None relevant		Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone	
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	
Mineral Safeguarding Area	X		

\*X indicates relevance

- 2.1 The application relates to a detached bungalow located to the south of Haden Way. It is accessed off Haden Way which turns into an unmade road and provides access. The site is surrounded by open countryside to the east and south. To the west is a site which contains several piggery buildings and hardstanding. The piggery is no longer operational. This site is within the ownership of the applicant and has a separate permission (S/2442/19/FL) for the stationing of caravans for residential purposes. To the north of the site is open countryside before turning into residential and commercial buildings at the end of Haden Way.

## 3.0 The Proposal

- 3.1 The application seeks planning for the replacement dwelling, located in a different position on site, following demolition of the existing dwelling. The new dwelling would be a single storey, 4 bedroom dwelling. It would have a maximum ridge height of 6.3 metres.
- 3.2 The application has been amended to reduce the size and form of the porch as it was considered out of proportion to the dwelling. Additional information has been provided regarding the former use and ownership of the dwelling,

including the agricultural tie of the dwelling house. Further consultations have been carried out as appropriate.

#### 4.0 Relevant Site History

Reference	Description	Outcome
S/1263/75/F	Siting of a caravan (renewal of period of consent C/73/1424)	Permitted
S/74/1265	Erection of an agricultural bungalow	Permitted
S/75/1218	Erection of house and double garage	Refused
C/73/1424	Temporary siting of mobile home	Permitted

#### Site History for adjacent plot – The Piggery, Haden Way

Reference	Description	Outcome
S/2442/19/FL	The use of land for the stationing of caravans for residential purposes for 1 no. Gypsy Pitch together with a day room ancillary to that use	Permitted Nov 2021
S/1935/17/FL	Proposed Bungalow to replace the piggery	Refused
S/0920/17/FL	Proposed new dwelling to replace the piggery	Withdrawn

4.1 The original dwelling was built in connection with the former Piggery, situated to the west of the site, and was linked by condition which limited the occupation of the dwelling to a person solely or mainly employed, or last employed in the locality in agriculture as defined in section 290 (1) of the Town and Country Planning Act 1971, or in forestry (including any dependants of such person residing with him), or a widow or widower of such person.

4.2 The former Piggery, which is owned by the same applicant, but outside the present application site boundary, was approved for demolition and for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with a day room ancillary to that use. This was considered by the South Cambridgeshire Planning Committee on the 11.11.2021 and was subsequently permitted.

#### 5.0 Policy

##### 5.1 National

National Planning Policy Framework 2021

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

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

S/1 – Vision

S/2 – Objectives of the Local Plan

S/3 – Presumption in Favour of Sustainable Development

S/7 – Development Frameworks

S/9 – Minor Rural Centres

CC/1 – Mitigation and Adaption to Climate Change

CC/3 – Renewable and Low Carbon Energy in New Developments

CC/4 – Water Efficiency

CC/6 – Construction Methods

CC/7 – Water Quality

CC/8 – Sustainable Drainage Systems

HQ/1 – Design Principles

NH/4 – Biodiversity

H/8 – Housing Density

H/12 – Residential Space Standards

H/14 – Replacement Dwellings in the Countryside

H/19 – Dwellings to Support a Rural-based Enterprise

TI/2 – Planning for Sustainable Travel

TI/3 – Parking Provision

TI/8 – Infrastructure and New Developments

TI/10 – Broadband

## 5.3 **Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022

Sustainable Design and Construction SPD – Adopted January 2020

Cambridgeshire Flood and Water SPD – Adopted November 2016

- 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:

District Design Guide SPD – Adopted March 2010

## **5.5 Other Guidance**

- 5.6 Greater Cambridge Housing Strategy 2019 – 2023

## **6.0 Consultations**

### **Willingham Parish Council – Object**

- 6.1 The application is to replace a building that is no longer required as the existing bungalow was provided for an agricultural worker for the Piggery in 1975 with an agricultural tie. The Piggery has been removed and hence the housing provision is no longer required.
- 6.2 Following a previous application in 2017 for a bungalow on the Piggery site, which was refused following appeal, the applicant was given permission for a traveller pitch, including utility building. Given the approved use of the land, the Council do not feel that a permanent residence is either needed or appropriate.
- 6.3 The Council would also reiterate concerns it has raised with enforcement that the applicant has already breached the existing planning consents for the site.

### **County Highways Development Management – No Objection**

- 6.4 No significant adverse effect upon the Public Highway as this section of Haden Way is not adopted Public Highway.

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

- 6.5 The development is acceptable subject to conditions regarding Surface and Foul Water Drainage.

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

- 6.6 Development is considered acceptable subject to conditions and informatives regarding Construction Hours, Construction Environmental Management Plan, Demolition Notice and Piling.

### **Ecology**

- 6.7 No objections – recommends conditions regarding works being carried out in accordance with the Preliminary Ecological Appraisal, submission of an Ecology Enhancement Scheme, Biodiversity Net Gain Plan and Biodiversity implementation scheme.

### **Sustainability**

- 6.8 No objection – recommends compliance conditions regarding the Sustainability Statement provided.

### **7.0 Third Party Representations**

- 7.1 No representations have been received.

### **8.0 Assessment**

#### **Principle of Development**

- 8.1 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.
- 8.2 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.
- 8.3 Policy H/14 of the Local Plan supports one for one replacement dwellings outside village framework boundaries subject to;
- the use as a dwelling has not been abandoned;
  - where the replacement dwelling is not on the original footprint the original dwelling is demolished within 1 month of the first occupation of the replacement dwelling;
  - In considering countryside impact and effect on local character, only removal of existing buildings lawfully used for purposes ancillary to the dwelling can be taken into account and must be standing at the time of the application
  - If in the Green Belt, the replacement dwelling is not materially larger than the one it replaces
- 8.4 The dwelling has not been abandoned and further information regarding its use is set out in greater detail below. A condition is proposed (condition 3) requiring demolition of the original dwelling prior to first occupation. There are no other ancillary buildings within the application site and the site is not located within the Green Belt. The proposal is therefore, considered to be compliant with policy H/14.

- 8.5 Whilst the proposal is for a replacement dwelling, consideration of policy H/19 with regard to agricultural ties is considered to be relevant. Policy H/19 of the Local Plan in relation to Dwellings to Support a Rural-based Enterprise states that the relaxation of an occupancy condition will only be permitted where it can be demonstrated that: -
- There is no longer a continued need for the dwelling on the site / holding or for the enterprise, or to house surviving partners and any resident dependents;
  - There is no long term need for a dwelling with restricted occupancy to serve need in the locality;
  - The property has been marketed locally for a reasonable period (minimum 12 months) at a price which reflects the existence of the occupancy condition.
- 8.6 The supporting policy text (Paragraph 7.67) states that, in general, preference will be given to the re-use or replacement of existing buildings over those which propose the erection of a new dwelling in order to avoid further development in the countryside. The erection of a new dwelling could not be justified where an existing dwelling serving the site associated with it, has either recently been sold off or in some other way effectively separated from it. The assessment of the design quality, scale, countryside impact, and effect on the local character of the proposed development will be considered against the other policies within the local plan.

#### Continued Need on Site

- 8.7 The original dwelling was approved in 1975, with an agricultural tie to the former Piggery. The applicant purchased the site (original dwelling) after the planning permission had been granted for the stationing of caravans for residential use. The existing dwelling therefore, currently has no agricultural holding linked to it however, could still be used in relation to agriculture or forestry within the local area.
- 8.8 The previous piggery enterprise ceased operation around the mid 1980's, as set out within Affidavits submitted with the application. At this point it appears that the agricultural holding was shut down by the Feed Company. The family appears to have stayed in the dwelling until circa 1988, where it was then occupied by a new individual. At this point the property was rented out by the Bradford Property Trust for a 'fair rent' and the occupant appears to have stayed in the dwelling until 2021 when the property was sold to the applicant with a sitting tenant. No details have been submitted as to when the sitting tenant left the property. The applicant is unable to locate the former occupant however, there is no known link of the tenant to agriculture or forestry within the locality.
- 8.9 Therefore, given this information, it is considered that it has been demonstrated that agricultural operations tied to occupant/s of the existing dwelling ceased over 30 years ago. Moreover, taking into account the limited curtilage associated with the existing dwelling, it is not sufficient to

operate a viable rural-based business on the site. Therefore, it is considered that there is no longer a continued need to house residents with an agricultural tie to the land and as such, is compliant with Policy H/19(i).

#### General Need in the locality and Marketing Information

- 8.10 In terms of general need for a dwelling with an agricultural tie, the applicant has not produced any evidence (i.e. support from local farmers) to establish whether this is the case. However, the dwelling was originally linked to a smallholding specific to the operation of the piggery (i.e. it is not linked to wider farming operations on the surrounding land). Once this use ceased and no alternative rural based business came forward, the need on site for an agriculturally tied dwelling was redundant. Subsequently it was taken over by the Bradford Property Trust. The use of the piggery land has now also received planning permission for an alternative use which is being implemented. Whilst there is no evidence from surrounding rural based businesses regarding longer term need, this likelihood is that this is low, particularly as farming methods have become less labour intensive and the need for such accommodation for farmworkers has diminished.
- 8.11 No marketing information has been provided by the applicant and it does not appear the applicant was aware of the agricultural tie associated with the dwelling until this application was submitted. From the affidavits submitted it states that an estate agent approached local farmers/businesses to see if they were interested in buying the land in the late 1980's. As there had been no interest, the dwelling was sold separately from the piggery in the 1980s and only more recently, then purchased by the applicant. The Piggery was also bought by the applicant (prior to purchase of the dwelling) and planning permission granted for an alternative use of the land as set out above. As part of the supporting information is a 'Report on Property' prepared for the applicant by Talyor Rose MW Solicitors on the 21<sup>st</sup> July 2021, in relation to the purchase of the dwelling. The report notes the dwelling was sold with a sitting tenant who was renting the property with a 'fair rent' and lived in the property until 2021. Details within the Solicitor's report does not show that an agricultural occupancy condition was linked to the dwelling and it appears no marketing appraisal was undertaken in relation to the most recent sale of the dwelling.
- 8.12 Policy H/19(j) requires the applicant to demonstrate there is no general need for agriculturally tied dwellings and (k) requires a minimum marketing period of 12 months. Taking into account the above, no evidence from local farmers has been provided and the property has not marketed in accordance with the requirements of policy and the supporting paragraph 7.71 of the Local Plan.
- 8.13 Although no information from local farmers has ben provided and the property has not been marketed in line with policy H/19, the planning history of the site carries significant weight in this instance. Officers are satisfied the dwelling has not been occupied with an agricultural tie for a significant period of time (more than 30 years). Furthermore, the piggery is no longer



in use and planning permission has subsequently been granted for a material change of use of the land for siting of caravans for residential use, which appears to have been implemented. The application site is also not viable for a rural-based business due to its limited size. For these reasons, on balance, officers are satisfied there is no longer a need for an agriculturally tied dwelling on the land.

- 8.14 Policy H/14 of the Local Plan is supportive of one for one replacement dwellings outside of village frameworks and whilst there is an agricultural tie on the existing dwelling, it has been in use as an unincumbered residential dwelling for more than 30 years, as there has not been an associated rural-based business with the existing dwelling. On this basis, officers are satisfied that the principle of a replacement dwelling is acceptable.

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

- 8.15 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.
- 8.16 Policies NH/2, NH/6 and SC/9 are relevant to the landscape and visual impacts of a proposal. Together they seek 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.
- 8.17 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.
- 8.18 The proposal sits outside the development framework, surrounded by open countryside. Close to the site is Haden Way and a new development made up of predominantly two and two and a half storey dwellings. Due to the site being open on two sides to the open countryside the proposal for a replacement single storey dwelling is supported.
- 8.19 The replacement dwelling would be larger than the existing modest bungalow, however it is considered that it would not dominate the site. The form of the proposed dwelling would be of a simple design with a porch to add more visual character. The proposed dwelling would not be set forward of the building line of the existing dwelling. As the dwelling would be larger, it would be more visible from the open countryside to the south. Officers note that the access to the site to the rear, The Piggery, has been conditioned to ensure native hedge is planted to form the boundary treatment to the adjacent agricultural land. Whilst the site, when viewed from the wider countryside would be set behind this access and boundary treatment, it is considered that the proposal has retained a relatively low profile and in addition that a boundary treatment could be conditioned,

suitable to the rural location, to ensure that it is not visually intrusive. The proposed dwelling would be brick with concrete tiles which is consistent with the character of dwellings in Haden Way and therefore the materials are considered suitable.

8.20 Conditions are recommended to restrict permitted development rights for classes A (extensions), B (roof alterations/extensions) and Class E (incidental outbuildings). Officers consider it necessary to remove Classes A, B and E, given the proposed dwelling is larger than the existing, and further extensions and buildings on the plot to avoid the proliferation of built form within the countryside and prevent wider visual impact on the countryside.

8.21 Overall, the proposed development is considered to be of an appropriate design, that would contribute positively to its surroundings and be appropriately landscaped. The proposal is compliant with South Cambridgeshire Local Plan (2018) policies NH/2, NH/6 and SC/9 and the NPPF.

## **8.22 Carbon Reduction and Sustainable Design**

8.23 The Councils' Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change as required by policy CC/1.

8.24 Policy CC/3 'Renewable and Low Carbon Energy', requires that Proposals for new dwellings will be required to reduce carbon emissions by a minimum of 10% through the use of on-site renewable energy and low carbon technologies.

8.25 Policy CC/4 'Water Efficiency' requires that all new residential developments must achieve as a minimum water efficiency to 110 litres pp per day and for non-residential buildings to achieve a BREEAM efficiency standard equivalence of 2 credits. Paras 152 – 158 of the NPPF are relevant.

8.26 The application has been subject to formal consultation with the Council's Sustainability Officer who raises no objection to the proposal. The applicant has submitted a New Dwelling Sustainability Statement and Carbon Calculations in support of the application. The documents details the use of a fabric first approach to the construction of the propose dwelling and confirms the use of the following sustainable construction features:

- Improved fabric performance above Building Regulations Part L Compliance
- 1000% low energy lighting
- 8.5 kW air source heat pump for heating and hot water requirement
- 1kWp solar PV array on south facing roof space.

- 8.27 The carbon calculations demonstrate that the use of these measures should ensure a carbon reduction of 11.86%, achieving compliance with the Local Plan Policy CC/3.
- 8.28 The applicant has submitted Part G compliant water calculations in support of the application. These demonstrate that the use of low flow fixtures and fittings should ensure the proposed development use no more than 107.4 litres/person/day, making the scheme compliant with local plan policy CC/4.
- 8.29 Officers are therefore satisfied that the proposal have suitably addressed the issue of sustainability and renewable energy and, subject to a compliance condition regarding the sustainability statement, the proposal is compliant with Local Plan policies CC/1, CC/3 and CC/4 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

### **8.30 Biodiversity**

- 8.31 The NPPF expects development to provide a net gain but does not specify a quantum. Similarly, 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/14 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.
- 8.32 The application has been subject to formal consultation with the Council's Ecology Officer. The Preliminary Ecological Appraisal and Preliminary Roost Assessment found no evidence that a protected species licence would be required, nor that any further surveys are required. The Ecology Officer agrees with the analysis and does not require any further survey or information to be submitted. Conditions have been recommended to ensure the protection of species, ecology enhancement and biodiversity net gain is delivered.
- 8.33 Therefore, Officers are satisfied that subject to appropriate conditions being imposed, the proposed development complies with policy NH/14, the Biodiversity SPD 2022, the requirements of the NPPF and 06/2005 Circular advice.

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

- 8.35 Policies CC/7, 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.
- 8.36 The Council's Sustainable Drainage Engineer has no objections to the application subject to conditions securing surface and foul water drainage schemes to be submitted and approved by the LPA. Officers consider that as the site is not in an area which experiences flood risk, a sufficient surface

and foul water drainage scheme will be secured at building control stage. Therefore, the conditions recommended by the Drainage Officer do not meet all of the 6 tests of a planning condition and will not be imposed.

8.37 The applicants have suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies CC/7, CC/8 and CC/9 and NPPF advice.

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

8.39 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.

8.40 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.

8.41 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.

8.42 Access to the site would be via Haden Way which is off a section of the road that is unadopted highway. No concerns are raised in relation to access from Haden Way.

8.43 The application has been subject to formal consultation with Cambridgeshire County Council's Local Highways Authority, who raise no objection to the proposal and have recommended no conditions. The proposal accords with the objectives of policy TI/2 of the Local Plan and is compliant with NPPF advice.

### **8.44 Cycle and Car Parking Provision**

8.45 Policies HQ/1 and TI/3 set out that car and cycle parking provision should be provided through a design-led approach in accordance with the indicative standards set out in Figure 11 of the Local Plan. Cycle parking should be provided to at least the minimum standards.

#### **8.46 Cycle Parking**

8.47 TI/3 requires 1 cycle space per bedroom. The supporting text advises that for residential purposes cycle parking should be within a covered, lockable enclosure and that for houses this could be in the form of a shed or garage, for flats either individual lockers or cycle stands within a lockable, covered enclosure are required. All cycle parking should be designed and located to minimise conflict between cycles, pedestrians and vehicles.

8.48 No details of the cycle parking have been included within the application. However, officers are satisfied that these can be successfully accommodated within the site and therefore a condition is recommended to secure these details at a later stage.

8.49 Taking the above into account, the proposal is compliant to policy TI/3 of the South Cambridgeshire Local Plan (2018).

8.50 Car Parking

8.51 TI/3 requires 2 spaces per dwelling – 1 space to be allocated within the curtilage. The supporting text to the policy advises that the Council will encourage innovative solutions such as shared parking areas, for example where there are a mix of day and night uses, car clubs and provision of electric charging points and that a developer must provide clear justification for the level and type of parking proposed and will need to demonstrate they have addressed highway safety issues.

8.52 The proposed dwelling has not shown car parking spaces on the plan. The application form states that the proposal would have five car parking spaces, which would be achievable on site, exceeding the indicative standards of two spaces per dwelling detailed in TI/3. A condition would secure a revised car parking plan to detail only two. This condition is considered reasonable and necessary.

8.53 The Greater Cambridge Sustainable Design and Construction SPD outlines the standards for EV charging at one slow charge point for each dwelling with allocated parking.

8.54 Subject to conditions, the proposal is considered to accord with policies HQ/1 and TI/3 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.

**8.55 Amenity**

8.56 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.

8.57 The District Design Guide 2010 advises that to prevent the overlooking of habitable rooms to the rear of residential properties and rear private gardens, it is preferable that a minimum distance of 15m is provided between the windows and the property boundary. For two storey residential properties, a minimum distance of 25m should be provided between rear or side building faces containing habitable rooms, which should be increased to 30m for 3 storey residential properties. It advises that a 12 metre separation is allowed where blank walls are proposed opposite the windows to habitable rooms.

8.58 Neighbouring Properties

Given the location of the dwelling and its relationship with its neighbours, The Piggery to the west, the proposal would not cause an undue sense of enclosure or overshadow this neighbour. As the dwelling is a bungalow and noting the boundary treatment and the significant separation, no overlooking would arise.

8.59 Future Occupants

8.60 Policy H/12 of the Local Plan states that new residential units will be permitted where their gross internal floor areas meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standard (2015) or successor document.

8.61 The gross internal floor space measurements for the dwelling are shown in the table below:

<b>Number of bedrooms</b>	<b>Number of bed spaces (persons)</b>	<b>Number of storeys</b>	<b>Policy Size of unit (m<sup>2</sup>)</b>	<b>Proposed size of unit (m<sup>2</sup>)</b>	<b>Difference in size (m<sup>2</sup>)</b>
4	6	1	99	156	+57

8.62 Garden Size: 1200sq metres

8.63 The District Design Guide 2010 advises that each dwelling with 3 bedrooms or more should have private garden space of 80m<sup>2</sup> in rural settings. The dwelling would benefit from a private garden area would exceed the recommendations of the Council's District Design Guide.

8.64 Construction and Environmental Health Impacts

8.65 The land contamination, air quality and noise and vibrational impacts associated with the construction and occupation of the site are addressed by Local Plan policies CC/6 'Construction Methods', CC/7 'Water Quality', SC/9 'Lighting Proposals', SC/10 'Noise Pollution', SC11 'Contaminated Land', SC/12 'Air Quality' and SC/14 'Odour'. Paragraphs 183 - 188 of the NPPF are relevant.

8.66 The Council's Environmental Health Team have assessed the application and recommended conditions regarding hours of work, a Construction Environmental Management Plan. It is considered that restricting the hours of work is reasonable. Due to the minor level of development a full CEMP is considered unreasonable, however, it is considered important to keep the piling part of the condition due to the potential impacts on neighbouring properties.

8.67 Summary

8.68 The proposal adequately respects the amenity of its neighbours and of future occupants. Subject to conditions, the proposal is compliant with policy HQ/1 and the District Design Guide 2010. The associated construction and environmental impacts would be acceptable in accordance with policies CC/6, CC/7, SC/9, SC/10, SC/12 and SC/14 of the Local Plan.

**8.69 Parish Comments**

8.70 The remaining parish comments not addressed in the preceding paragraphs are summarised and responded to in the table below:

<b>Third Party Comment</b>	<b>Officer Response</b>
Previous applications on the Piggery Site and given the approved use of the land, the Council do not feel that a permanent residence is either needed or appropriate.	The Piggery site is not part of the application site, as it was when the bungalow was first constructed. The Bungalow is therefore being assessed on its own merits and not in relation to a separate planning unit.
The Council would also reiterate concerns it has raised with enforcement that the applicant has already breached the existing planning consents for the site.	The Parish is referring to a separate planning unit within this comment and therefore is not relevant to the proposal site. Officers are therefore unable to assess this in relation to the application.

**8.71 Other Matters**

8.72 LP policy TI/10 'Broadband' requires new development to contribute towards the provision of infrastructure suitable to enable the delivery of high-speed broadband services across the District. A condition is proposed to ensure this provision.

8.73 Bins

8.74 No details of the refuse arrangements have been included within the application. However, officers are satisfied that these can be successfully accommodated within the site and therefore a condition is recommended to secure these details at a later stage.

8.75 Taking the above into account, the proposal is compliant to policy HQ/1 of the South Cambridgeshire Local Plan (2018).

## **8.76 Planning Balance**

- 8.77 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 8.78 The proposal for one for one replacement dwellings outside of village frameworks is supported by policy H/14. Whilst the proposal is not to retain the existing dwelling and remove the existing agricultural tie, there is some conflict with the requirements of policy H/19 in justifying removal of such a condition. However, information provided regarding the historic use of the existing dwelling demonstrates that residential occupation of the dwelling has not been linked to a rural-based business for more than 30 years. The associated agricultural use (piggery) has not been operational for a significant period of time, nor has any other agricultural use existed on the adjacent land. Furthermore, an alternative use of the land has been granted planning permission and appears to have now been implemented. The proposed replacement dwelling is considered to be of an appropriate scale and design and is appropriate in its setting within the open countryside. In all other respects the proposal is considered to comply with the requirements of the Local Plan.
- 8.79 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to conditions.

## **9.0 Recommendation**

### **9.1 Approve** subject to:

The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

## **10.0 Planning 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.



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 The development hereby permitted shall not be occupied until the residential unit identified as the existing bungalow on site plan 22.141-P2 has been demolished in full with all materials removed from the site.

Reason: To protect the character and appearance of the countryside in accordance with policy H/14 of the South Cambridgeshire Local Plan (2018).

- 4 No construction or demolition work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of the adjoining properties in accordance with Policy CC/6 of the South Cambridgeshire Local Plan 2018.

- 5 No development (including any site clearance/preparation works) shall be carried out until a Construction Environmental Management Plan has been submitted to the Local Planning Authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:

a) full details of any piling technique to be employed, if relevant

b) contact details for site manager, including how these details will be displayed on site.

Development shall be carried out in accordance with the approved DCEMP.

Reason: To protect the amenity of the adjoining properties in accordance with Policy CC/6 of the South Cambridgeshire Local Plan 2018.

- 6 No development above ground level, other than demolition, shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. Street furniture, artwork, play equipment, refuse or other storage units, signs, lighting, CCTV installations and water features); proposed (these need to be coordinated with the landscape plans prior to being installed) and existing

functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant;

b) 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;

If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the Local Planning Authority gives its written consent to any variation.

c) boundary treatments (including gaps for hedgehogs) indicating the type, positions, design, and materials of boundary treatments to be erected.

d) a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

The development shall be carried out in accordance with the approved details.

Reason: To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 7 The development, hereby permitted, shall not be occupied or the use commenced, until details of facilities for refuse arrangements and covered, secure parking of cycles for use in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the means of enclosure, materials, type and layout. The facilities shall be provided in accordance with the approved details and shall be retained as such.

Reason: To ensure appropriate provision of refuse and for the secure storage of bicycles in accordance with Policy HQ/1 and TI/3 of the South Cambridgeshire Local Plan 2018.

- 8 The approved renewable/low carbon energy technologies (as set out in the New Dwelling Sustainability Statement - Sept 22) shall be fully installed and operational prior to the occupation of the development and thereafter maintained in accordance with a maintenance programme, details of which shall have previously been submitted to and approved in writing by the local planning authority.

Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Energy Statement to take account of this shall be submitted to and approved in writing by the local planning authority. The revised Energy Statement shall be implemented development and thereafter maintained in accordance with the approved details

Reason: In the interests of reducing carbon dioxide emissions in accordance with Policy CC/3 of the South Cambridgeshire Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD 2020.

- 9 Prior to the first occupation of the dwelling, infrastructure to enable the delivery of broadband services, to industry standards, shall be provided for that dwelling.

Reason: To contribute towards the provision of infrastructure suitable to enable the delivery of high speed broadband across the district, in accordance with policy TI/10 of the South Cambridgeshire Local Plan 2018.

- 10 Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), the enlargement, improvement or other alteration of the dwelling house(s) shall not be allowed without the granting of specific planning permission.

Reason: In the interests of protecting residential amenity.

- 11 Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed without the granting of specific planning permission.

Reason: In the interests of protecting residential amenity.

- 12 Notwithstanding the provisions of Schedule 2, Part 1, Class E 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 provision within the curtilage of the dwelling house(s) of any building or enclosure, swimming or other pool shall not be allowed without the granting of specific planning permission.

Reason: To protect the amenities of adjoining occupiers in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018. OR 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.

- 13 All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Eco-Planning, January 2023) and Preliminary Roost Assessment (Arbtech, August 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To conserve and enhance ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 14 Prior to the commencement of development above slab level a scheme of ecology enhancement shall be supplied to the local planning authority for its written approval. The scheme must include details of bat and bird box installation, hedgehog connectivity, and other enhancements as applicable and in line with the Greater Cambridge Planning Biodiversity Supplementary Planning Document (2022). The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing.

Reason: To conserve and enhance ecological interests in accordance with Policies HQ/1 and NH/4 of the South Cambridgeshire Local Plan 2018.

- 15 No development shall commence, apart from below ground works and demolition, until a Biodiversity Net Gain (BNG) Plan has been submitted to and approved in writing by the local planning authority.

The BNG Plan shall be implemented in full and subsequently managed and monitored in accordance with the approved details.

Reason: To provide ecological enhancements in accordance with the NPPF 2021 para 174, South Cambridgeshire Local Plan 2018 policy NH/4 and the Greater Cambridge Shared Planning Biodiversity SPD 2022.

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

Reason: To ensure the 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.

## **Informatives**

1. Before the existing property is demolished, a Demolition Notice will be required from the Building Control section of the council's planning department establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation.
2. In order to facilitate the upgrade of heating systems to efficient (i.e. heat pump) electric heating, radiators shall be sized and fitted on the basis of running at a maximum of 45°C flow temperature to all residential units. In addition, for all residential units identify an appropriate space for external air source heat pump units that are acceptable within permitted development requirements for noise, proximity to boundaries and physical size and provide valved and blanked pipe work connections between the external unit and the primary heating installations (heating pump and hot water tank) to enable the use of the heat pump system with minimum disruption upon gas boiler removal. The hot water tank is to incorporate sufficient heat exchanger area and storage volume to allow a designated heat pump system with domestic hot water capabilities to be used without the need for replacement or upgrade.
3. The granting of permission and or any permitted development rights for any Air Source Heat Pump (ASHP) does not indemnify any action that may be required under the Environmental Protection Act 1990 for statutory noise nuisance. Should substantiated noise complaints be received in the future regarding the operation and running of an air source heat pump and it is considered a statutory noise nuisance at neighbouring premises a noise abatement notice will be served. It is likely that noise insulation/attenuation measures such as an acoustic enclosure and/or barrier would need to be installed to the unit in order to reduce noise emissions to an acceptable level.

To avoid noise complaints it is recommended that operating sound from the ASHP does not increase the existing background noise levels by more than 3dB (BS 4142 Rating Level - to effectively match the existing background noise level) at the boundary of the development site and should be free from tonal or other noticeable acoustic features. In addition equipment such as air source heat pumps utilising fans and compressors are liable to emit more noise as the units suffer from natural aging, wear and tear. It is therefore important that the equipment is maintained/serviced satisfactory and any defects remedied to ensure that the noise levels do not increase over time.

4. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the

provisions of BS 5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 -Vibration (or as superseded). Development shall be carried out in accordance with the approved details.

The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environment Planning Team.

5. The BNG Plan shall target how a minimum net gain in biodiversity will be achieved through a combination of on-site and / or off-site mitigation. The BNG Plan shall include:
  - i) A hierarchical approach to BNG focussing first on maximising on-site BNG, second delivering off-site BNG at a site(s) of strategic biodiversity importance, and third delivering off-site BNG locally to the application site;
  - ii) Full details of the respective on and off-site BNG requirements and proposals resulting from the loss of habitats on the development site utilising the appropriate DEFRA metric in force at the time of application for discharge;
  - iii) Identification of the existing habitats and their condition on-site and within receptor site(s);
  - iv) Habitat enhancement and creation proposals on the application site and /or receptor site(s) utilising the appropriate DEFRA metric in force at the time of application for discharge;
  - v) An implementation, management and monitoring plan (including identified responsible bodies) for a period of 30 years for on and off-site proposals as appropriate.