

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

4<sup>th</sup> October 2006

**AUTHOR/S:** Executive Director / Head of Planning Services

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**S/1308/06/F – CHILDERLEY**  
**Variation of Condition 1 of Planning Permission S/0386/03/O**  
**To Allow an Additional Two Year Period for the Submission of Reserved Matters for**  
**the Erection of 2 Single Storey Dwellings at**  
**Land north of A428 for M Jenkins and J Poulton**

**Recommendation: Approval**

**Determination Date: 29<sup>th</sup> August 2006**

### Departure Application

#### Site and Proposal

1. The site lies in open countryside to the north of the A428. It forms part of a large arable field. There is a field hedge to the west.
2. The full planning application, received 4<sup>th</sup> July 2006, seeks to extend the period for submission of reserved matters for a further two years from 11<sup>th</sup> September 2006.
3. The applicant's agent states:

“The consent was granted on 11/09/03 due to the A428 road improvement scheme to help enhance security measures at Childerley Estate owing to the severance of the existing front lodge cottage by the new road scheme. Work on the scheme only started in October 2005 and as a result of services installations alongside the landscaping strip, the siting of the properties cannot yet be finalised. We therefore would like further time to decide on the exact siting of the properties until the works are more advanced.

This planning application previously gained consent at Planning Control Committee where they agreed that it cohered to Policy SP12/1 of the 1995 Cambridgeshire Structure Plan. This policy has not altered since the consent was initially granted on 11th September 2003 and we feel that extending the existing consent should be allowed especially as the work on the A428 scheme has only just commenced”.

#### Planning History

4. Planning permission was granted at the April 2003 committee meeting for two dwellings under reference **S/0386/03/O**. The permission was subject to a S106 agreement that requires the dwellings to be single storey only, that no development shall take place until the A428 trunk road dualling and other improvements have been confirmed, and the dwellings should not be occupied other than by any member of the family occupying Childerley Hall or an employee or tenant of the Childerley Hall estate.

5. The minutes from the April 2003 meeting are reproduced below:

“Members were minded to **APPROVE** the application for two dwellings, contrary to the recommendation contained in the Planning Director's report, subject to it being advertised as a Departure from the Development Plan, being referred to the Secretary of State and not being called in by him for determination. Members were conscious that this application had security implications for the occupants, and that any appeal process could delay progress in dualling the A428. They indicated that the two dwellings should not be bungalows, but should be constructed so as to reflect the local character of the area and adhere to the Council's Corporate Objectives. Prior to the commencement of development, the applicant would be required to complete a Section 106 Legal Agreement restricting the construction of the dwellings until the Compulsory Purchase Orders for the new route of the A428 had been confirmed and served. Members asked that consent be subject to a Condition that occupation of the dwellings be restricted to tenants or employees of the Estate”.

### **Planning Policy**

6. Policy **P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 (the Structure Plan) states (in part) that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
7. Policy **SE8** of the South Cambridgeshire Local Plan 2004 states (in part) that residential development outside of identified village frameworks will not be permitted.

### **Consultation**

8. **Caldecote Parish Council**  
No recommendation
9. **Boxworth Parish Council**  
Recommends approval and states that it has no objections.
10. **Dry Drayton Parish Council**  
No recommendation.
11. **Bourn Parish Council**  
Comments are awaited.
12. **Highways Agency**  
“...the application will not adversely affect the A428...the Highways Agency does not intend to issue a direction and would not wish to comment further...”
13. **Environment Agency**  
“Your Council will be required to respond on behalf of the Agency in respect of flood risk and surface water drainage related issues”. Previous comments and suggested conditions and informatives remain relevant.

### **Representations**

14. No representations have been received.

## **Planning Comments – Key Issues**

15. The key issues to consider in the determination of this application are:
- (a) The principle of residential development on the site.
  - (b) Changes since the granting of planning permission reference S/0386/03/O.

### **(a) Principle of residential development**

16. The proposal is for two dwellings in the countryside. Policy SE8 of the South Cambridgeshire Local Plan 2004 is clear that residential development outside of village frameworks shall not be permitted. The proposal is clearly contrary to this policy and there is an in principle objection to the development.
17. The applicants require the dwellings for specific reasons prompted by the works to the A428. At the April 2003 meeting Members considered that there was sufficient justification, in this case, to overturn the normal strong policy objection to dwellings in the countryside. The principle has therefore been accepted by the Council as a departure from the Development Plan. The Secretary of State did not wish to 'call in' the application.

### **(b) Changes since the granting of the 2003 consent**

18. Contrary to the claims of the agents that Members considered the proposal complied with Policy SP12/1 of the 1995 Structure Plan and that it remains unchanged, the application was not considered to comply with Policy SP12/1 and this policy is no longer extant. However, the thrust of this policy on protecting the countryside from development that is not essential remains in the current Development Plan and I do not consider there are any materially significant changes in the thrust of policies that would justify a refusal of this planning application.
19. The main impact of this proposal is to extend the life of the permission for a further two years. I consider the applicants have good reason to do this due to the only recent commencement of the works to the A428 and I do not consider that such an extension will harm any interests of acknowledged importance.
20. As the principle of this development has already been accepted and not 'called in' I do not consider it necessary to refer the matter to the SoS.

## **Recommendation**

21. Approval subject to the following conditions and revisions to the S106 agreement if necessary to relate it to this permission.
- 1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission. The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.  
(Reason – To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development which have not been acted upon.)
  - 2. No development shall commence until full details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority:-
    - a) the siting of the buildings;
    - b) design and external appearance of the buildings;

(Reason – The application is for outline permission only and gives insufficient details of the proposed development.)

3. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

(Reason – To prevent the increased risk of pollution to the water environment).

4. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme.

(Reason – To ensure a satisfactory method of surface water drainage).

### **Reasons for Approval**

Although the application proposes two dwellings in the countryside, contrary to Policies SP1/2 of the Structure Plan 2003 and SE8 of the South Cambridgeshire Local Plan 2004, it is considered that there is an essential security need for the development to serve the new access to Childerley Estate, which will replace the existing access at Childerley Lodge when the A428 dualling scheme is completed.

### **Informatives**

Environment Agency Informatives.

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003.
- Planning files reference S/1308/06/F and S/0386/03/O
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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