

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

1<sup>st</sup> October 2008

**AUTHOR/S:** Executive Director / Corporate Manager - Planning and Sustainable Communities

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### **S/0167/08/F - WILLINGHAM**

**Erection of Dwelling Following Demolition of Existing Outbuilding, and Alterations to No. 18 Mill Road at Cattell's Mill Site, Mill Road  
(for Mr & Mrs Cowley)**

**Recommendation: Approval**

**Date for Determination: 17<sup>th</sup> September 2007**

#### **Notes:**

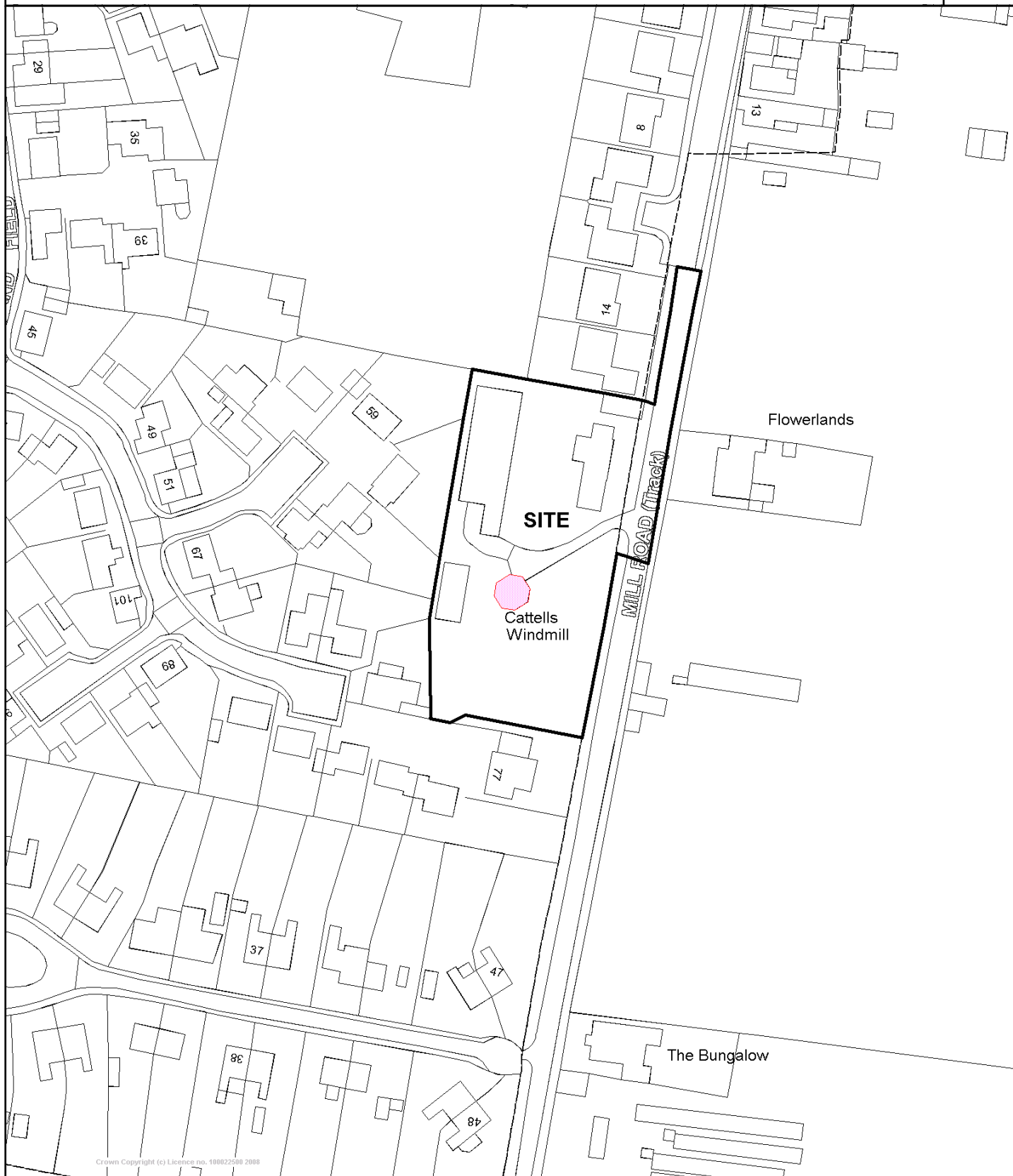
**This Application has been reported to the Planning Committee for determination following a referral from the Chairman's Delegation meeting.**

**Members will visit this site on 1<sup>st</sup> October 2008**

#### **Site and Proposal**

1. The 0.33 hectare site is an area of land including no. 18 Mill Road, and Cattell's Mill, a Grade II\* Listed Building, described as a Smock Windmill of 1828. It lies inside the Willingham village framework, and is accessed along Mill Road from the north. This road is private from no. 12 Mill Road, and at this point becomes an unkept track. The mill is located to the centre of the plot, with the dwelling in the northeast corner of the site. On the northwest corner of the site is currently an outbuilding used for storage in relation to the mill and no. 18. To the west side of the mill is a visitors' centre.
2. The application, received 29<sup>th</sup> January 2008, as amended by drawings dated 23<sup>rd</sup> July 2008, is in two parts. First, the existing outbuilding would be removed and replaced with a two-storey detached property. This would front southwards and have a single storey range running parallel with the west boundary of the site. The amended design of the dwelling shows a main roof pitch height of 7.6m, with the front eaves set at 4.9m. It would measure 14.2m in width and 10.5m in length. The single storey element would measure 4.8m in height to its roof pitch, and would extend 12.5m forward of the dwelling. The density equates to 6 dwellings per hectare.
3. The second part of the scheme relates directly to no. 18 Mill Road. It currently has a two-bay garage accessed from the west side. The proposal would see these openings removed, and replaced with a single opening accessed from the east side of the dwelling.
4. The village framework is set to the western side of Mill Road. On the opposite side of this road is a single dwelling. To the north are the further dwellings of Mill Road, and an undeveloped site. This has been allocated for residential development, but no application has so far been approved. To the south and east of the site are dwellings on Balland Field.

S/0167/08/F



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Scale 1/1250 Date 16/9/2008

Centre = 540430 E 269749 N

October 2008 Planning Committee

## Planning History

5. **S/0688/98/F** – Planning permission was granted for a dwelling, including a condition linking the dwelling and mill as one planning unit.
6. **S/0674/97/F** – Planning permission was granted for a visitors centre for the mill, and included a condition for the removal of the existing outbuilding within 12 months of the opening of the visitors centre. An application (S/1366/01/F) was subsequently approved to vary this condition to allow the retention of the outbuilding. This was approved subject to detailing of the building, given the presence of the listed mill.
7. **S/1455/97/F** – An application for 3 dwellings was refused on the site due to the impact upon the rural character of the area, neighbouring amenity and issues regarding the access.
8. **S/2060/89/F** – An application for 8 dwellings was refused on the site on grounds of impact upon the setting of the mill, neighbouring amenity and issues regarding the access.

## Planning Policy

9. **Policy ST/5** (Minor Rural Centres) of the Local Development Framework Core Strategy 2007 classifies Willingham as a Minor Rural Centre, where residential development and redevelopment up to an indicative maximum scheme size of 30 dwellings will be permitted within village frameworks.
10. **Policy DP/1** (Sustainable Development) of the Local Development Framework Development Control Policies (LDFDCP) 2007 states development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, as appropriate to its location, scale and form, and should make efficient and effective use of land by giving priority to the use of brownfield sites.
11. **Policy DP/2** (Design of New Development) of the LDFDCP 2007 states all new development must be of high quality design and, as appropriate to the scale and nature of the development, should preserve or enhance the character of the local area.
12. **Policy DP/3** (Development Criteria) of the LDFDCP 2007 states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity and village character.
13. **Policy DP/4** (Infrastructure and New Developments) of the LDFDCP 2007 notes planning permission will only be granted for proposals that have made suitable arrangements for the improvements or provision of infrastructure necessary to make the scheme acceptable in planning terms.
14. **Policy DP/7** (Development Frameworks) of the LDFDCP 2007 states development and redevelopment of unallocated land and buildings within development frameworks will be permitted provided that, amongst others, the retention of the site in its present state does not form an essential part of the local character, and development would be sensitive to the character of the location, local features of historical importance and the amenities of neighbours.

15. **Policy HG/1** (Housing Density) of the LDFDCP 2007 seeks residential developments to make best use of sites by achieving average net densities of at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment.
16. **Policy NE/6** (Biodiversity) of the LDFDCP 2007 states new development should aim to maintain, enhance, restore or add to biodiversity, and opportunities should be taken to achieve positive gain through the form and design of development. Previously developed land will not be considered to be devoid of biodiversity.
17. **Policy CH/4** (Development Within the Curtilage or Setting of a Listed Building) states planning permission will not be granted for development which would adversely affect the curtilage or wider setting of a Listed Building.

### **Consultation**

18. **Willingham Parish Council** – Recommends refusal as it entails developing a site containing a listed building. The scheme would detract from the setting of the site. There would be insufficient parking on open days at the mill, and the existing building should remain as it has traditionally formed part of overall operations of the mill. With regard to the amended scheme, these views are echoed.
19. **Conservation Officer** – With regard to the original plans, no objection to the removal of the outbuilding. It is appreciated the design is a 21<sup>st</sup> Century interpretation and not a pastiche, but recommends some changes to the detailing. The works to no. 18 Mill Road would not have a significant impact on the setting of the windmill. With regard to the amended scheme, they address the previous concerns. Recommend conditions regarding materials.
20. **Local Highways Authority** – Requests details of visibility splays, and states the width of the access to the mill should be at least 5m wide. Appropriate access is considered necessary due to the open days held at the mill
21. **English Heritage** – Questions the justification for a new dwelling, but notes the number of residential properties nearby. Given this information, the principle for the development is accepted, subject to an appropriate design. Requests some alterations to the design. An email dated 12<sup>th</sup> June 2008 regarding the amended design states given the changes, there is no objection to the south elevation, although the solar panel would rather diminish the improvements to the fenestration. English Heritage, therefore, no longer opposes the scheme.
22. **Trees and Landscape Officer** – The proposal, following trial investigations of the area to pile and beam the foundations, are acceptable to accommodate the trees off site.
23. **Old West Internal Drainage Board** – No comments from a drainage point of view.

### **Representations**

24. 63 Balland Field – The development is far too large and totally out of keeping with the surrounding dwellings. Previous applications on the site have only been allowed on strict condition that they were for non-domestic use, and were intended to improve and support the restoration of the site into a heritage centre. The scheme would not match this criteria.

25. 61 Balland Field – Object on grounds of the impact upon the setting of the listed mill and adjacent residential properties, a lack of valid reasoning for the project given the status of no. 18 Mill Road in relation to the mill and the disrepair of the outbuilding. With regards to the amended scheme, their previous comments are reinforced.
26. 59 Balland Field – Object on grounds of the reduction of land creating the setting to the windmill and the relationship between the proposed dwelling and the mill, the impact upon the setting of the windmill, the retention of the outbuilding, the design of the proposed dwelling, the proposed materials to be used, the size and bulk of the proposal, the lack of security from the dwelling towards the mill, the impact upon the amenity of neighbouring properties, impact upon boundary trees, the lack of justification for the dwelling, the impact upon Mill Road, and the precedent for future works on the site. These views are reiterated in a letter regarding the amended plans.
27. 51 Mill Road – Concerns regarding the access onto Mill Road, given its condition.

### **Planning Comments – Key Issues**

28. The main issues regarding the application are the principle of development, the impact upon the setting of the listed mill, the impact upon the amenity of the occupiers of neighbouring dwellings, the impact upon the adjacent trees, and the access and impact upon Mill Road.

### ***The principle of the development***

29. The site lies within the Willingham village framework, and given Willingham's classification as a Minor Rural Centre, there is a principle for development on this location subject to site specific issues. I note the comments from occupiers of neighbouring dwellings regarding the history of the site. The outbuilding was first conditioned to be removed, and then conditioned to be repaired, and neither of these appear to have taken place. However, the removal of the existing outbuilding is supported, as it does not contribute positively to the character of the area.
30. No. 18 Mill Road was granted consent through application S/0688/98/F and condition 2 of this consent linked the ownership of the dwelling and the mill. The applicant is happy for a similar condition to be placed on any consent for the proposed dwelling.

### ***Impact upon the setting of the listed building***

31. Cattell's Mill is a grade II\* listed building, and is a landmark on the Willingham horizon. The proposed dwelling would be located within 17m of the mill itself. The proposed dwelling is larger, taller and closer to the mill than the existing outbuilding on the site. However, its relationship would be similar to that of no. 18 Mill Road. This property is within 18m of the mill at its closest point, and is only 0.2m lower than that proposed.
32. I note the comments from the Council's Conservation Officer and English Heritage regarding the impact upon the listed mill. The scheme has been altered, taking comments from both parties on board and it is believed a satisfactory solution has been reached. The only outstanding issue relating to the scheme is the presence of solar panels in the south elevation. These have been positioned to blend in with the design of the dwelling, above the full height glazed opening.

### ***The impact upon the amenity of the occupiers of neighbouring dwellings***

33. The dwelling would be located close to the west boundary of the site. The original plans had the main two-storey element located approximately 1.9m from the boundary with the rear gardens of nos. 59 and 61 Balland Field, with a height to the ridge of 7.4m. Having visited the rear gardens of both of these properties, it was considered that the development would be overbearing from these rear gardens. The amended scheme has moved the highest part of the proposed roof 3.8m from the boundary. The roof height in this location has been increased to 7.7m in order to alter the design. Despite the increase in height, the shifting of this element away from the boundary is considered to improve the relationship between the proposal and the two neighbouring dwellings to an acceptable level. The original plans also had a dormer window in the front elevation that would have caused overlooking into the rear garden of no. 61 Balland Field. This has been removed in the amended plan.
34. The amended plans do keep a single storey element close to the boundary with the properties on Balland Field. This would remain within 1.9m of the boundary. However, it has a low eaves height of 2m, and although the pitch rises to 4.7m, it is not considered that this range would be overbearing to the occupiers of nos. 59 and more importantly no. 61 Balland Field. The relationship would be similar to that of the visitor centre to nos. 63 and 73 Balland Field.
35. Given the orientation of the site, the proposal should not cause a serious loss of light to the rear gardens of these dwellings. Its orientation directly east of the garden of nos. 59 and 61 Balland Field may cause a loss of some early morning sunlight, but this relationship is considered acceptable. I note the comments from the occupiers of nos. 59 and 61 regarding the proposals.
36. The dwelling would be located approximately 5.5m at its closest point from the northern boundary of the site. The highest part of the roof would be 11.6m from this boundary. Given these distances, there should be no undue loss of light to the rear garden of no. 16 Mill Road to the north. Conditions can ensure that no overlooking would occur to the rear garden of this property. Conditions can also ensure that no further windows are added to any elevation, to prevent any overlooking or openings that would be detrimental to the design of the dwelling. Permitted development rights for extensions can also be removed given the sensitive nature of the site, and the potential for serious impact to the amenity of neighbours and the design of the property from extensions that would not require planning permission.

### ***The impact upon the adjacent trees***

37. Along the west side of the application site but outside of the ownership of the applicant are a small number of trees. These are not protected in their own right, but provide a pleasant green feature in the street scene. Retention is to be encouraged. The applicant has provided a landscape statement that states trial pits have been dug in the existing floor to ascertain the extent of roots, which have been found to have travelled under the structure. The proposed dwelling would therefore have to be piled to an agreed specification to limit root severance. A condition can be added as such. I note the comments from the Council's Trees and Landscape Officer regarding this issue.
38. The Landscape Statement also states that crown control would also be required. This would be done through agreement between the owners of the trees and the applicants. There is no objection to the removal of the planting along Mill Road to create a new access for no. 18 Mill Road.

### ***The access and impact upon Mill Road***

39. Mill Road is a cul-de-sac, adopted by the Local Highways Authority up to a point by no. 12 Mill Road. From this point, the road is an unkept track, and is in disrepair. The road itself serves 7 dwellings, as well as the visitors centre for the mill. As the site is situated only 110m from the adopted section, I do not believe the erection of a further dwelling would create an undue pressure on the road surface. In any event this is a private matter between the relevant owners.
40. The Local Highways Authority has requested that visibility splays are provided, and the access shall be at least 5m in width as opposed to the existing 2.6m access. The existing access serves the mill and its visitor centre, along with no. 18 Mill Road. The proposal would change the access to no. 18, and create a new dwelling. The access would therefore serve the same amount of vehicular traffic as a result of the proposal. It is therefore considered unreasonable to require alterations to the existing access. A condition can be added to ensure the works to no. 18 and its access are completed prior to the occupation of the new dwelling, ensuring the access does not have a more intensive use. A condition regarding pedestrian visibility splays for the proposed new access to no. 18 can also be added. The amended site plan shows a set of gates by the access to the mill site, but no further details are provided. A condition can ensure these gates do not form part of the approved consent. Highway safety will not therefore be prejudiced by the proposal.
41. I note the comments from the occupier of no. 51 Mill Road, regarding its ownership and repair. Given the road is privately owned, it would be a civil matter between the applicant and the owners regarding rights of access. I note the applicant has served certificate D as part of the application, as the ownership of the road is unknown.

### ***Other matters***

42. There is no objection to the works to no. 18 Mill Road, and I note the comments of the Conservation Officer on this matter. The new access would involve the removal of a small number of immature bushes, which is not considered to be harmful to the street scene. There is adequate parking to the front of the garage for a further parking space to allow adequate off road parking at the site. The existing openings should be removed and replaced with appropriate materials.

### **Recommendation**

43. Approval (as amended by revised site area, amended plans, landscape statement and revised ownership certificates date stamped 23<sup>rd</sup> July 2008).

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. (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. Both the dwelling hereby permitted and the adjoining windmill shall be occupied as one property and not subdivided or sublet. (Reason – To protect the amenities of the future occupiers of the dwelling, and the setting of the adjacent listed mill in accordance with Policies DP/3 and CH/4 of the adopted Local Development Framework 2007.)

3. No development shall commence until details of the solar panels in the front elevation shown have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details. (Reason - Insufficient information was submitted with the application to assure the Local Planning Authority that the solar panels would not detract from the setting of the adjacent listed mill in accordance with Policy CH/4 of the adopted Local Development Framework 2007.)
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, C, D & E of Part 1 of Schedule 2 and Class A of Part 40 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason – To prevent the addition of works that would not otherwise require planning permission that may compromise the design of the dwelling and the setting of the listed building in accordance with Policies DP/2 and CH/4 of the adopted Local Development Framework 2007.)
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the dwelling unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason - To safeguard the privacy of adjoining occupiers and the design of the dwelling in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)
6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
7. Apart from any top hung vent, the proposed first floor windows in the side elevations of the dwelling, hereby permitted, shall be fitted and permanently glazed with obscure glass. (Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. The carport area and store in the single storey element, hereby permitted, shall not be used as additional living accommodation and no trade or business shall be carried on therefrom. (Reason - To ensure the continued provision of off-street parking space in the interests of highway safety and to safeguard the setting of the adjacent listed mill in accordance with Policies DP/3 and CH/4 of the adopted Local Development Framework 2007.)



9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works 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. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. (Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
10. No development shall take place until foundation details to be used for the construction of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details. (Reason - To protect the trees on adjacent land which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
11. No development shall begin until details of a scheme for the provision of outdoor playing space and informal open space infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details. (Reason - To ensure that the development contributes towards outdoor playing space and informal open space in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007.)
12. The repositioning of the garage openings and works to the access of no. 18 Mill Road shall be completed prior to the occupation of the new dwelling, hereby permitted. (Reason - To ensure safe access to the mill site in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
13. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the edge of the carriageway . (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
14. The external materials to be used for the rear elevation of no. 18 Mill Road following the removal of the garage doors shall be identical to the existing materials for the garage element in this elevation unless otherwise agreed in writing with the Local Planning Authority. (Reason – To ensure the use of suitable materials given the proximity of the adjacent listed building, in accordance with Policy CH/4 of the adopted Local Development Framework 2007.)
15. No development shall commence until details of the gates indicated on the proposed site layout plan date 06.152.14-401D date stamped 23rd July 2008 have been submitted to and approved in writing by the Local Planning

Authority; the development shall be carried out in accordance with the approved details. (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007 and to protect the setting of the Listed Building, in accordance with Policy CH/4 of the adopted Local Development Framework 2007.)

### **Informatives**

The applicant is reminded that condition 2 of application S/0688/98/F links no. 18 Mill Road and Cattell's Mill as one property, not to be sub-divided or sublet. An application would be required to vary this condition if no. 18 Mill Road is no longer needed in association with the running of the mill, and any such application would be judged on its merits.

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

- Local Development Framework Core Strategy (adopted January 2007)
- Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/0167/08/F, S/0688/98/F, S/0674/97/F, S/1455/97/F and S/2060/89/F

**Contact Officer:** Paul Derry – Senior Planning Officer  
Telephone: (01954) 713159