

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

3<sup>rd</sup> March 2010

**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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### **S/1714/09/O - OVER**

### **Agricultural Workers Dwelling at Land to the North of Chain Farm, Overcote Road for Burling Brothers Limited**

**Recommendation: Delegated Approval**

**Date for Determination: 18<sup>th</sup> February 2010**

#### **Notes:**

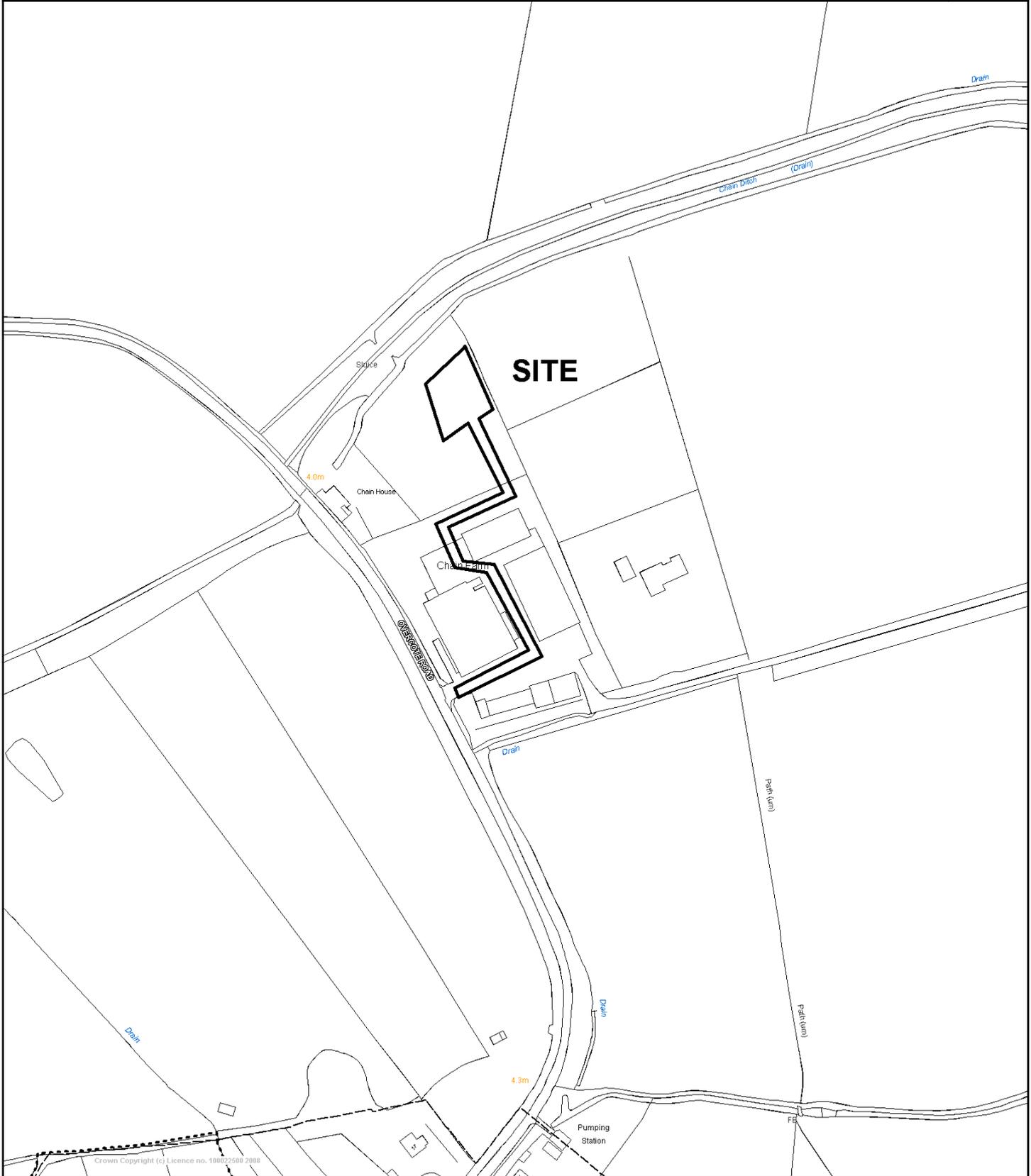
**This Application has been reported to the Planning Committee for determination because the applicant is a relative of a Local Member.**

#### **Site and Proposal**

1. The site is located to the north of the village framework of Over, and therefore lies in the countryside in policy terms. Overcote Road is a narrow road but does easily allow the passage of two vehicles. The farm has a number of agricultural buildings on site, from animal shelters to a grain store, and runs both arable and livestock units. The main farmhouse is set to the east of the site, and has a detached garage. There is also a furniture company established on site. The site lies within flood zones 1-3 of the Environment Agency matrix.
2. The outline application, validated on the 24<sup>th</sup> December 2009, seeks an additional dwelling for the farm, to house an agricultural worker on site. This would be located to the north side of the plot, in an area of grazing land. Access to the dwelling would be through the main farmyard along existing hardstanding until entering the field, where a new vehicular access would be required. All matters are reserved.
3. The land to the north is open agricultural land. The Chain ditch does run to the north of the site, and there are some individual trees along this ditch that creates some screening. A public byway runs to the north of this ditch. The land to the east beyond a further ditch is further grazing land. To the west is the dwelling of Chain House, which does not form part of the farm. Between it and the proposed site is an open machinery store and further grazing land. There would be views of the proposed dwelling from Overcote Road and the rear of Chain House.
4. The application is accompanied by an Agricultural Report, a Planning Statement, a Design and Access Statement and a Flood Risk Assessment.

#### **Planning History**

5. A house and garage were granted consent on the site through application **S/0357/90/F**. This followed a previous outline approval through application **S/0213/87/O**. A further application for a dwelling and annexe was refused and dismissed at appeal (**S/1333/90/O**) dated 5<sup>th</sup> April 1991. During this application, the



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Scale 1/2625 Date 18/2/2010

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March 2010 Planning Committee

Inspector noted that further accommodation for the farm would have a noticeable impact upon the rural character of the area, and would only be acceptable if it could be justified in connection with agriculture. The Inspector concluded this had not happened during that application.

6. There have been further planning applications made on the site, although these are not considered relevant to the determination of this planning application.

### **Planning Policy**

7. Over is defined as a Group Village under **Policy ST/6 of the Local Development Framework Core Strategy**, adopted January 2007.
8. The relevant policies within the **Local Development Framework Development Control Policies 2007** are **DP/1** - Sustainable Development, **DP/2** - Design of New Development, **DP/3** – Development Criteria, **DP/4** – Infrastructure and New Development, **DP/7** – Development Frameworks, **HG/9** – Dwelling to Support a Rural-based Enterprise, **SF/10** – Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** – Open Space Standards, **NE/6** – Biodiversity, **NE10** – Foul Drainage – Alternative Drainage Systems, **NE/11** – Flood Risk, **NE/14** – Lighting Proposals, and **NE/15** – Noise Pollution

### **Consultation**

9. **Over Parish Council** gives no recommendation to the proposal.
10. The **Environment Agency** has found the Flood Risk Assessment to be acceptable. It recommends conditions relating to the finished floor level, details of Flood Resilience Methods, and foul water drainage. A number of informatives are also recommended.
11. Members will be updated on any comments received from the Over and Willingham Drainage Board.

### **Representations**

12. None have been received.

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

13. I consider the key issues relating to this application are the financial viability of the enterprise, the functional need for a dwelling in this location, impact upon the surrounding countryside, and flood risk.

### ***The Financial Viability and Functional Need***

14. The site lies outside the Over village framework and therefore in policy terms is within the countryside. The site already has one farm dwelling, where the applicant currently resides. This is shared with a fellow worker. Given his impending marriage, a further house for the site is proposed. Policy HG/9 of the Local Development Framework Development Control Policies 2007 relates specifically to dwellings supporting a rural-based enterprise. It provides a set of criteria that must be demonstrated to allow such development. The applicant has provided an Agricultural Report and also further information regarding the policy criteria.

15. The Agricultural Report seeks to demonstrate there is a need for the additional dwelling on the site, given the practices of the arable and livestock farm. There are four full-time workers, two of which live in the existing dwelling, one in Over village and the last employee lives further afield. The existing living arrangement, whilst considered acceptable in the short term is not considered practical in the long term. The company have been operating on the site since 1966 and are therefore considered a well established agricultural unit, run on a sound financial basis. Having visited the site, there appear no obvious existing buildings that could be converted to provide suitable accommodation. The adjacent property at Chain House has never been considered part of the farm.
16. The application and in particular the Agricultural Report has been assessed by an independent body. Basing his assessment by referencing criteria set out in Annex A of Planning Policy 7 (Sustainable Development in Rural Areas), the conclusion of this assessment is that given the operations on site, a two man team is always on duty. It is considered there is an essential functional need for two workers to live on site for reasons of animal welfare, health and safety, security and the ability to deal with farming emergencies. Given this additional assessment, I consider the proposal meets the aims of Policy HG/9, and is therefore acceptable subject to an agricultural occupancy condition.

#### ***Impact Upon the Surrounding Countryside***

17. The site does lie within open countryside, and the area does have a rural character. There is some planting along the ditches in the area, but the dwelling would be visible from views from the byway to the north and Overcote Road. The proposal seeks a two storey dwelling, and indicative scale parameters have been provided. These originally showed the dwelling to have a height range between 6.5 and 8m. This was considered to be rather large given the open character of the site. An e-mail dated 1<sup>st</sup> February 2010 confirms a maximum height of 7m for the dwelling. This would reduce the scale of the building to a height more suitable for the location. Materials should also reflect the rural location, and a condition can ensure that appropriate materials are to be used.
18. The dwelling would be located away from the existing dwelling on site. However, it would remain close to the agricultural buildings, and would be viewed with these buildings and Chain House rather than as an isolated structure. A small garden area can be provided, and landscaping detail should attempt to create hedging around the dwelling. Fencing would again be considered too urban for this location. A condition would also be required regarding site boundaries.
19. No details of the dwelling are provided. However, it is hoped the design would attempt to assimilate the dwelling into the rural area. The dwelling should not be too urban in its design. This detail would be provided at reserve matters stage if this outline were approved. I do not consider the proposal would cause any serious impact upon the character of the area and surrounding countryside, presuming an appropriate design is used.

#### ***Flood Risk***

20. The site lies within Flood Zones 1-3 of the Environment Agency matrix. The applicant has submitted a Flood Risk Assessment with the application. I note the comments from the Environment Agency relating to the scheme. The recommended conditions and informatives can be added to any approval. Of particular importance is the recommended condition that the floor level shall be no lower than 3.8m above the

Ordnance Datum Newlyn (ODN). Any reserved matters application would need to clearly show this on a site levels plan. I consider, with the use of recommended conditions, the dwelling would not cause any serious issues regarding flood risk. Members will be updated on any additional comments from the Over and Willingham Internal Drainage Board.

***Other matters***

21. Policy SF/10 of the Local Development Framework Development Control Policies 2007 seeks all residential developments to contribute towards outdoor playing space and informal open space to meet the additional need generated by the development. I note the applicant's e-mail dated 12<sup>th</sup> February 2010 stating they are willing to make a contribution to the agreed figure, and a condition can be added accordingly.
22. Given the distance between the dwelling and the adjacent property at Chain House and the location of the access, I do not consider there would be any loss of amenity to the occupiers of this nearby property.

**Recommendation**

23. Delegated Approval subject to any comments from the Over and Willingham Internal Drainage Board, as amended by e-mail dated 1<sup>st</sup> February 2010.

**Conditions**

1. Approval of the details of the layout of the site, the scale and appearance of buildings, the means of access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline only.)
2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
(Reason - The application is in outline only.)
3. The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason - The application is in outline only.)
4. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted 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 appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. During the period of demolition and construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

6. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The works/scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.

(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)

7. Floor levels of any part of the dwelling shall be set no lower than 3.80 metres above Ordnance Datum Newlyn (ODN).

(Reason – To protect the development from flooding in extreme circumstances in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

8. Prior to the commencement of any development, a scheme for the provision and implementation of Flood Resilience Measures shall be submitted and agreed in writing with 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 flooding to the water environment in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for the dwelling shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained.

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

10. 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 the provision of 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.)

11. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working in the locality in agriculture, forestry, or a widow or widower of such a person, and to any resident dependants.  
(Reason - The dwelling is situated in a rural area outside any established settlement where the Local Planning Authority would not normally grant permission for such development and this permission is granted solely in order to fulfil a need to satisfy the requirement of Local Development Framework Policy HG/9 adopted 2007.)

### **Informatives**

Please note the following comments from the Environment Agency:

The Environment Agency will be pleased to assist in the assessment of proposals submitted by the applicant to meet the relevant flooding conditions.

Foul drainage from the proposed development should be discharged to the public foul sewer unless it can be satisfactorily demonstrated that a connection is not reasonably available.

The applicant proposes the use of a septic tank for the disposal of foul water from the development. Septic tanks are unacceptable in areas where mains foul water drainage is available.

The applicant's attention is drawn to DETR Circular 03/99 which **requires an applicant to demonstrate that a connection to the public foul sewer is not available**. In the eventuality of a connection to the public foul water sewer not being available, the suitability of any non-mains sewerage systems, particularly those incorporating septic tanks, must be effectively demonstrated by the applicant to the satisfaction of the Local Planning Authority.

The above detail must be submitted with any subsequent foul water drainage submission.

Any 'non mains' foul water drainage system will require the prior written Consent of the Agency under the term of the Water Resources Act 1991. Such consent may not be forthcoming.

All surface water from roofs shall be piped direct to an approved surface water system using sealed downpipes. Open gullies should not be used.

Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies 2007 (adopted July 2007)
- Planning Files Ref: S/1714/09/O, S/133/90/O, S/0357/90/F and S/0213/87/O

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