

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

7 September 2011

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

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**S/1223/11 – FOWLMERE**

**Erection of Dwelling - Land West of The Way, Fowlmere, Cambridgeshire, SG8  
7QS for c/o Cheffins**

**Recommendation: Delegated approval**

**Date for Determination: 15 August 2011**

**Notes:**

**This Application has been reported to the Planning Committee as the officer recommendation differs from that of the Parish Council.**

**The Site falls within the Fowlmere Conservation Area.**

**Members will visit the Site on the 7 September 2011.**

**Site and Proposal**

1. The site comprises a piece of scrub grassland within the Fowlmere Development Framework that is accessed from 'The Way' which is an un-adopted access road serving the Welding Alloys Industrial site, a single dwelling and a dedicated parking area for occupants of a small number of properties that front High Street
2. The southern boundary of the site comprises a wall of block construction that forms the rear garden wall of a number of residential properties that front High Street including 'The Old Stores' and 'The Variety Shop'. The northern boundary of the site is formed by what appears to be a 19<sup>th</sup> or early 20<sup>th</sup> century gault brick wall. There are a number of significant mature trees on the far side of this wall that provide a green backdrop to the site.
3. Two drains run in a northeasterly fashion away from the site and the site itself falls within Flood Zone 3.
4. Surrounding development is predominantly residential with a significant industrial use located within close proximity to the north (Welding Alloys). Views of the application site are afforded through the entrance to The Way from High Street where a number of historic buildings can be viewed in tandem with the application site. The site falls within the Fowlmere Conservation Area and observing the site from The Way affords views of the listed Parish Church and the backs of listed buildings on High Street.
5. A single dwelling is proposed to be erected upon the site.

## **Planning History**

6. S/0002/85/F – Three Dwellings Shop Extension Car Parking and Access Road – Allowed by Appeal.

S/0521/11 – Erection of Dwelling – Withdrawn.

S/1226/11 - Erection of Two Dwelling (on a separate site on The Way) - Pending Consideration.

## **Planning Policy**

7. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/4 Infrastructure and New Developments

DP/5 Cumulative Development

DP/7 Development Frameworks

CH/4 Development within the Curtilage or Setting of a Listed Building

CH/5 Conservation Areas

HG/1 Housing Density

SF/10 Outdoor Playspace, Informal Open Space and New Developments

SF/11 Open Space Standards

NE/1 Energy Efficiency

NE/2 Renewable Energy

NE/6 Biodiversity

TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

8. **South Cambridgeshire Local Development Framework Development Supplementary Planning Documents:**

Listed Buildings SPD - Adopted July 2009

Conservation Areas SPD - Adopted July 2009

Open Space in New Developments SPD - Adopted

Trees and Development Sites SPD - Adopted

District Design Guide - SPD - Adopted

## **Consultations**

9. **Fowlmere Parish Council** – Recommends refusal, for the following reasons:

- The site is unacceptable for a residential property
- The proposals do not preserve or enhance the character and appearance of the Conservation Area
- The proposal is too close to neighbouring properties and will have an overbearing effect
- The proposal is in the 'flood plain'
- Impact upon the quality of life for future occupants from the adjacent industrial site and access

- The application should be considered jointly with application ref.S/1226/11 and therefore an element of affordable housing is required.
10. **Conservation Officer** - Considers that the proposed dwelling design is a marked improvement over the scheme previously submitted in accordance with application ref.S/0521/11. The scale of the proposal is now such that it is not considered to adversely block or harm views of the listed buildings beyond. Considers that the dwelling is too close to the southern boundary of the site and thus appears a bit cramped. Advises that the width of the dwelling should be reduced. Following the receipt of amended plan, the width has been reduced and there is no objection to the scheme subject to a number of conditions regarding the detailing of the dwelling and protection of the existing 19<sup>th</sup> century boundary wall are suggested.
  11. **Environment Agency** – Considers that planning permission should only be granted subject to conditional requirements for:
    - Finished floor levels
    - Surface water drainage details
    - Foul water drainage
  12. **Environmental Health Officer** - No objections – Gives due regard to the impact of the adjacent industrial site upon future occupants of the dwelling.  
 Recommends standard conditions regarding:
    - Hours of use of power operated machinery
    - Use of pile driven foundations
    - Development to be carried out in accordance with plans and noise assessment
  13. **Tree Officer** – Raises no objections but advises that the works should be carried out in accordance with the arboricultural report submitted.
  14. **Local Highways Authority** – Note that The Way is un-adopted but advise that the proposals would have no significant adverse effect upon the Public Highway. Suggest standard conditions regarding bound driveway material; drainage and pedestrian visibility splays.
  15. **Drainage Manager** – No comments received.

### **Representations**

16. Three letters of representation received from the occupants of Fowlmere house, 'The Old Stores' and 'The Old Post Office' raising concerns for the following reasons:
  - Overbearing impact
  - Overshadowing
  - Loss of privacy
  - Visual harm to the Conservation Area
  - Impact of the adjacent industrial site on the standard of living for future occupants of the proposed dwelling
  - Concerns for the proposed package sewage treatment plant.
  - Impact upon the protected Horse Chestnut Tree

## **Planning Comments – Key Issues**

17. The key issues to consider in this instance are the efficient use of land, the impact of proposals upon the residential amenity of neighbouring dwellings, the impact of proposals upon the character and appearance of the Conservation Area and setting of adjacent Listed Buildings, flood risk and tree impacts.

## **Principle of Development and Efficient use of land**

18. The site falls within the Development Framework boundary and comprises green field land. As such, in accordance with the guidance set out in Planning Policy Statement 3; Housing (PPS3) it is important to make an initial assessment of the impact that residential development would have upon the character and appearance of the area. In this case surrounding development is predominantly residential and adjacent to the application site to the south the existing built form fronts High Street and is of a relatively dense nature. To this end it is considered that the principle of residential development of the site in question would not be detrimentally uncharacteristic to the character and appearance of the area in this instance.
19. The application site is approximately 0.03ha in area and a single dwelling is proposed. Thus the resultant density of development would be approximately 33dph, which is in accordance with the LPA's housing density policy HG/1. Hence the proposals are considered to constitute an efficient use of land.

## **Neighbour impact**

20. The proposed dwelling is of single-storey height being approximately 4.5m to roof plate at its highest and approximately 3.3m at its lowest.
21. To the south and south west of the site the rear garden areas of 'The Old Stores' and 'The Old Variety Shop' are adjacent to the site boundary. To the west is the garden area of Fowlmere House. There is a defined sitting out area situated at the end of the garden serving the Old Stores closest to the application site boundary. At present views to the north from these garden areas are open.
22. The proposed dwelling is sited approximately 2m from the common boundary with the Old stores but this diminishes to significantly less due to the angle of the boundary in this case. Hence the proposed dwelling is within close proximity to The Old Stores and at this point of proximity the height of the structure is at its lowest (approximately 3.3m). Therefore due to the scale of the proposed dwelling this proximity is not considered to have an undue overbearing impact upon the garden area of the Old Stores.
23. Being single storey there are no first floor windows proposed in the dwelling that would afford a view into the garden area or windows of the Old Stores, The Old Variety House or Fowlmere House and thus there is not considered to be any loss of privacy as a result of the proposals.
24. Due to the fact that the proposed dwelling is sited to the north of neighbouring sites, and its single storey scale, there is not considered to be any significant overshadowing in this instance.

## **Character and appearance**

25. The proposed dwelling is situated within the Conservation Area and views of the site are afforded from High Street along The Way. The setting of the site, in terms of surrounding residential development, is very much one of vernacular architecture and more classical contemporary styles. A large proportion of nearby dwellings are historic and where dwellings have been built more recently, for example to the west of the entrance to The Way they have been of an early 20<sup>th</sup> century idiom. At present the site itself forms a green backdrop to views along The Way from High Street.
26. The proposed dwelling does not reflect the historic character and appearance of the area. Rather it is of a very modern design, which is at least partly informed by the single storey nature of the building. As a piece of modern architecture the structure is considered to be well designed with good detailing, good proportions and appropriate material choices. As such the proposal is of visual interest. Thus whilst the proposal is not vernacular or classical in its character such as much of the surrounding development it certainly is not considered to materially harm the character and appearance of the Conservation Area due to the quality of design.
27. Due to the single storey scale of the development the views that are currently afforded from The Way to the rear of those historic dwellings on High Street, Fowlmere House and the listed Church are not considered to be substantially blocked or materially harmed.
28. The Conservation Officer recommends a conditional requirement to ensure the protection of the existing 19<sup>th</sup> century wall to the rear of the site and this is considered reasonable and justified in this instance.

## **Flood Risk**

29. The site falls within an area of flood risk. A Flood Risk Assessment has been submitted which has been properly assessed by the Environment Agency who consider that the scheme can be sited within the flood zone providing floor levels are not set lower than 23.25m above Ordnance datum. It is considered reasonable and justified to condition this requirement and the developer has confirmed that this will not affect the overall height of the dwelling.
30. In order to minimise the exacerbation of flooding to the area and the pollution of the water environment the EA recommend conditions regarding surface water and foul water drainage – such conditions are considered reasonable and justified in this instance.
31. Concerns have been raised for the use of a package sewage treatment plant. The applicants have confirmed that the intention is to connect to the existing foul sewer in the location. The application form has been amended to this extent.

## **Tree impacts**

32. The Council's Tree Officer raises no objections to the proposals providing adequate tree protection measures are carried out in accordance with the

arboricultural report submitted (Acacia Tree Surgery). It is considered reasonable and necessary to condition that works be carried out in accordance with these details.

### **Noise impact**

33. Concerns have been raised for the potential noise and disturbance impact upon the end user of the dwelling arising from the adjacent industrial site. The Council's Environmental Health Officer has commented upon the proposals and advises that due to the proposed high thermal performance of the dwelling and the internal layout, with more sensitive area sites to the rear of the building away from the industrial site, that there would not be an adverse impact upon end users from noise and disturbance. Further to this it is advised that there has only been one noise complaint against the site since 2002.

### **Further Considerations**

34. The Parish Council is concerned that the scheme, when considered in tandem with application S/1226/11 (which proposes two dwellings), triggers a need for affordable housing provision.
35. Policy HG/3 requires the provision of affordable housing in developments of two or more dwellings. As this application relates to a single dwelling, and the constraints of the site in terms of its ability to accommodate further development have been highlighted above, this Policy does not automatically apply. However it is also necessary to consider Policy DP/5 in respect of whether this application should be interpreted as cumulative development when considered along with application ref. S/1226/11 for residential development of a site on the opposite of The Way. The policy states that whether development forms part of a larger site where there would be a requirement for infrastructure provision, in this case affordable housing.
36. The question to be considered here is if planning permission is granted on the current site for a single dwelling and the tandem application for two dwellings on the nearby site would it be reasonable to require an affordable dwelling to be on the grounds that the two proposals represented cumulative development. In determining an appeal elsewhere in the district where this argument was raised the Inspector considered that the following factors should be taken into account: whether the sites are within one ownership; whether they comprise a single site for planning purposes; and whether the proposals constitute a single development.
37. In respect of the first of these criteria the sites are shown to be within the same ownership however they relate to physically separate developments served by different access points some way apart and the two sites could be developed independently. In this case it is not considered that they can be considered to comprise a single unit for planning purposes or constitute a single development and, despite the desirability of doing so, it would therefore not be reasonable to request an affordable housing contribution.

### **Developer Contributions**

38. A draft S106 agreement has been submitted seeking to agree contributions for public open space, community facilities and refuse bin provision. The figures offered are in accordance with Council's standard contributions calculations. The draft agreement is currently receiving attention from the Council's Legal Team.

### **Conclusion**

39. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

### **Recommendation**

40. Allow delegated approval subject to the completion of a S106 agreement.

### **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. **The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 2-001 Rev J, 2-005, 2-014 Rev B, 2-015 Rev B, 2-016 Rev B, Acacia Tree Surgery Ltd Arboricultural Implication Assessment, Noise Assessment February 2011 and Site Specific Flood Risk Assessment February 2011.**  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. **No development shall commence until details of the following 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.**
  - a) **Details of the gate**
  - b) **Materials to be used the external construction of the building**
  - b) **Eaves details at a scale of 1:5**

(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
4. **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 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.)

5. **Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The 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 ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding and harm to highway safety in accordance with Policies DP/1, DP/3 and NE/11 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. 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 and does not adversely harm highway safety in accordance with Policies DP/2, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

7. **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, 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, 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.)

8. **No development shall commence until details of a scheme for the protection of the 19<sup>th</sup> century wall to the rear of the site 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 this feature would be

adequately protected during construction to comply with Policy CH/5 of the adopted Local Development Framework 2007.)

9. **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 back of the footway.**

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

10. **Finished floor levels shall be set no lower than 23.2m metres above Ordnance Datum.**

(Reason - To protect the development and its occupants from flooding in extreme circumstances.)

11. **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.)

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

- South Cambridgeshire Local Development Framework 2007

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