

**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/1226/11– FOWLMERE  
Erection of Two Dwellings –The Nurseries, The Way, Fowlmere,  
Cambridgeshire, SG8 7QS for Cheffins**

**Recommendation: Delegated approval**

**Date for Determination: 15 August 2011**

**Notes:**

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

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

**Site and Proposal**

1. The site comprises an existing residential site within the Fowlmere Development Framework that is accessed from 'The Way' which is an unadopted access road serving the Welding Alloys Industrial site and a dedicated parking area for occupants of a small number of properties that front High Street. The existing dwelling is single storey with three bedrooms, within the curtilage of which there are the remains of another structure of similar size, possibly once a green house.
2. The south eastern boundary of the site comprises a timber close-boarded fence and forms the common boundary with the rear gardens of 'Timbers' and 'Twentypence'. The western boundary of the site is the common boundary with 'The Poplars' and comprises a tall landscaped boundary. The northern boundary of the site is largely open with low landscaping and forms the common boundary with the car park of the adjacent industrial site.
3. The site falls within Flood Zone 3.
4. Surrounding development is predominantly residential with a significant industrial use located within close proximity to the north. Views of the application site are limited from the public realm with some glimpse views afforded from High Street between 'Timbers' and 'Twentypence'.
5. Two detached dwellings are proposed to be erected upon the site following the demolition of the existing house.

### **Planning History**

6. S/0640/75/O – Erection of 6 Dwellings and Garages – Refused  
S/1391/86/O – Two Houses – Refused and Appeal Dismissed.  
S/1344/01/F - Erection of 2 Flats for Visitor Accommodation Following Demolition of Existing Dwelling – Refused  
S/2205/01/F - Erection of 2 Flats for Visitor Accommodation Following Demolition of Existing Dwelling – Approved  
S/0526/11 – Erection of two dwellings – Withdrawn  
S/1223/11 - Erection of Dwelling (on a separate site on the 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  
HG/2 Housing Mix  
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:**

Open Space in New Developments SPD - Adopted  
Trees and Development Sites SPD - Adopted  
District Design Guide - SPD - Adopted  
Biodiversity SPD – Adopted July 2009

### **Consultations**

9. **Fowlmere Parish Council** – Recommends refusal, for the following reasons:
  - Impact upon residential amenity by way of overlooking

- Impact upon quality of life for future occupants from the adjacent industrial site and access
  - Considers that the application should be considered jointly with application ref.S/1226/11 and therefore an element of affordable housing is required.
10. **Contaminated Land Officer** - No objections, satisfied that a condition relating to contaminated land investigation is not required.
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
13. **Tree Officer** – No objections - The trees identified for retention are not specimen trees, multi stemmed and of potential nuisance species within the context of the site. Having been identified for retention they require arboricultural implication assessment, method statement supported by tree constraints plan and tree protection details.
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.
16. **Ecology Officer** – No objections - Any removal of vegetation within the site during the bird nesting period should be controlled by a suitable condition.

### **Representations**

17. Letters of representation received from the occupants of Timbers, Twentypence, The Poplars and Home Farm, raising concerns for the following reasons:
- Loss of privacy
  - Loss of trees
  - Planting of inappropriate tree species

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

18. 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**

19. The site comprises garden land associated with the existing dwelling on the site and falls within the Development Framework boundary. 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, whereas to the north there is a substantial industrial site comprising structures in excess of two stories. 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.
20. The application site is approximately 0.15ha in area and two dwellings are proposed. Thus the resultant density of development would be approximately 13dph. This is below the stipulations of policy HG/1 which seeks 30dph unless circumstances suggest otherwise. However taking the recent changes to PPS 3 into account and having regard to the site history whereby developments of a higher density have been refused in the past a development of less than 30dph is considered acceptable in this location in this instance

### **Housing Mix**

21. The scheme proposes the replacement of the existing three bedroom dwelling on site with two 4-bedroom dwellings. There is thus a net gain of 1 dwelling in this instance. Policy HG/2 is applicable and seeks to ensure that all schemes for residential development provide a variety of house sizes. The policy effectively requires 40% of all scheme to be 1 or 2 bed, 25% to be 3-bed and 25% to be 4-bed. The policy weights one and two-bed properties, or small dwellings, more heavily as the Housing Needs survey for the District identifies that there is a significant shortfall in the provision of such dwellings.
22. The scheme is not considered to provide an adequate mix of dwelling sizes, proposing two large dwellings. However the applicant's have voluntarily submitted a draft heads of terms for this proposal and application ref. S/1223/11 which seeks to agree that the provision of the two bedroom dwelling required for this site be provided on the site under consideration in accordance with application ref.S/1223/11. Being as the net gain in housing mix is the same as if a small dwelling were provided on this site the agreement offered is considered appropriate and can be met through a S106 legal agreement. However it is important to note that the draft heads of terms effectively means that should application S/1223/11 be refused for any reason then this application would become contrary to policy HG/2 and therefore be unacceptable.

### **Neighbour impact**

23. The proposed dwellings are of two storey height (approximately 8.7m to ridge), are of simple gabled form and the ridge lines runs roughly southwest to northeast within the site.
24. To the southeast of the site the rear garden areas of 'Timbers' and 'Twentyence' are adjacent to the site boundary. At present views to the north east from these garden areas are largely open.
25. The proposed dwelling annotated on plan ref. 1-001 rev C at Site A is sited approximately 16m from the common boundary with Timbers. The proposed dwelling annotated on plan ref. 1-001 Rev C as Site B is sited approximately 21m from the common boundary with Twentyence. Due to this degree of spatial separation it is not considered that the proposed dwelling would have an undue overbearing impact upon the rear gardens of either of these adjacent dwellings. The dwelling proposed on Site A is approximately 4m from the north eastern boundary of The Poplars. Whilst this is a close relationship it is the gable of the proposed dwelling that is adjacent to the common boundary and is therefore not as imposing as a full elevation would be at this proximity. Further to this The Poplars retains private garden land that is divorced from this location and there is at present a strong and tall landscaped boundary between the two sites, which it would be reasonable and desirable to retain via a conditional requirement.
26. Within the southwest elevation of the proposed dwelling annotated as 'Site A' full height glazed openings are proposed to serve a landing area at first floor level. Although the landing area is not a 'habitable room' the apertures would afford a significant loss of privacy to the garden area of The Poplars were they not fitted shut and obscure glazed. The proposals do indeed show these windows to be obscure glazed and fitted shut, however in the event of approval it is still considered reasonable and necessary to apply a condition ensuring this treatment in perpetuity.
27. At first floor level within the rear elevation of both proposed dwellings there are three full height windows shown. Each of these windows serves a bedroom. The windows directly face the rear garden areas of Timbers and Twentyence. Although concerns for a loss of privacy have been raised by both the Parish Council and the occupants of Timbers the proposed windows are in accordance with the guidance contained within the District Design Guide at para 6.68 which advises of a minimum separation distance between habitable room windows of 25m. In this instance a distance of 36m is observed by site A and 32m by site B. To this end loss of privacy from these windows is not a sustainable reason for refusal of the applications.

### **Character and appearance**

28. The proposed dwellings will not have a prominent visual impact upon the adjacent Conservation Area being screened by existing development along The Way. No significant views of the development would be afforded along the access to The Way. Glimpse views of the rear elevations of the two dwellings proposed may be afforded from High Street in the gaps between Timbers, Twentyence and The Poplars.

29. The proposed dwellings would have a greater visual relationship to the adjacent industrial site to the north of the application site than to the historic development along High Street. To this end the proposed design of the dwellings is not considered inappropriate for this context.

### **Flood Risk**

30. 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.
31. 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.

### **Tree impacts**

32. The tree officer does not consider any of the trees on site to be exceptional specimens. However the scheme does propose the retention of a number of trees on site and in lieu of this an arboricultural impact assessment including tree protection details would be required. It would be reasonable and justified to condition this information in this instance.

### **Ecology**

33. The Council's Ecology Officer has visited the site and made a visual inspection for evidence priority species roosting (i.e. bats). No evidence to suggest that the site accommodates such species was found and thus the Ecology Officer raises no concerns for the impact of the proposals upon the biodiversity of the area.

### **Noise impact**

34. 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**

35. The Parish Council is concerned that the scheme, when considered in tandem with application S/1223/11 (which proposes a single dwelling), triggers a need for affordable housing provision.
36. Policy HG/3 requires the provision of affordable housing in developments of two or more dwellings. As this application proposes the net gain of 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 the extant planning consent for residential development of the area of garden land to the north of the existing house. 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.

37. The question to be considered here is if planning permission is granted on the current site for two dwellings and the tandem application for a single dwelling on the nearby site would it be reasonable to require an affordable dwelling to be provided 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.
38. In respect of the first of these criteria the sites are within the same ownership however they will be 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 it would therefore not be reasonable to request an affordable housing contribution

#### **Developer Contributions**

39. 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**

40. 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**

41. Allow powers of delegated approval subject to successful completion of a S106 agreement to address matters of housing mix and developer contributions.

#### **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: 1-001D, 1-002E, 1-004E, 1-005C, 1-008, 1-011, Anglia Consultants 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 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.)
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, 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 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. **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 carriageway.**  
(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. **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.)
10. **Apart from any top hung vent, the proposed first floor windows in the side elevations of the buildings, 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.)

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

- South Cambridgeshire Local Development Framework 2007

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