

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 November 2012

AUTHOR/S: Planning and New Communities Director

S/1656/12/FL - OVER
Agricultural workers dwelling at Chain Farm, Overcote Road
for Mr Dan Burling, Burling Brothers Ltd

Recommendation: Approval

Date for Determination: 31 October 2012

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 entirely within flood zone 3.
2. 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 informal open machinery store and further grazing land. There would be views of the proposed dwelling from Overcote Road and the rear of Chain House.
3. The full application, validated on 5 September 2012, seeks the erection of a further dwelling for the farm to be occupied by a farm worker. 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 an existing hardstanding until entering the field, where a new vehicular access would be required.
4. The application is accompanied by an Agricultural Report, a Design and Access Statement, a Flood Risk Assessment, and a draft Heads of Terms.

Planning History

5. An outline application for an agricultural workers dwelling (**S/1714/09/O**) was approved by Members at Planning Committee on 3 March 2012. This application allows the submission of a reserved matters application until 9 March 2013.

6. 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 5th April 1991. During this application, the 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.
7. 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

8. Over is defined as a Group Village under **Policy ST/6 of the Local Development Framework Core Strategy**, adopted January 2007.
9. 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/1** Energy Efficiency, **NE/6** – Biodiversity, **NE/10** – Foul Drainage – Alternative Drainage Systems, **NE/11** – Flood Risk, **NE/14** – Lighting Proposals, and **NE/15** – Noise Pollution.
10. **Open Space in New Developments SPD** – adopted January 2009, & **District Design Guide SPD** – adopted March 2010.
11. **National Planning Policy Framework:** Advises that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. It adds planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

Consultations by South Cambridgeshire District Council as Local Planning Authority

12. **Over Parish Council** makes no recommendation.
13. The **Environment Agency** has made no further comments than those from the original application and the subsequent discharge of condition.
14. The **Council's Scientific Officer** has considered the proposals in line with contaminated land, and seeks a condition seeking remediation if any contaminants are found during works.
15. The **Local Highways Authority** requests a condition tying the dwelling to the existing dwelling.

Representations by Members of the Public

16. None were received.

Material Planning Considerations

17. The key issues in the determination of this application are the justification and need for a dwelling in this location, impact upon the surrounding countryside, impact upon the amenity of the occupier of the adjacent property, flood risk, infrastructure contributions, and land contamination.

Justification and Need for a Dwelling in this Location

18. 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. The original outline application was submitted with an Agricultural Report dated August 2009. This has been resubmitted with up-to-date figures. The applicant currently resides in the main dwelling, and this is not considered practical in the long term. The company have been operating since 1966 and are considered a well established agricultural unit run on a sound financial basis. There appears no obvious redundant buildings that could be converted to provide accommodation. No accommodation has been sold off from the site in the past.
19. Previously, the Agricultural Report was assessed by an independent body, who concluded there was 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. The updated information concludes there is further evidence to demonstrate the need for a further property on the site given an increase in farming practices. The proposal is therefore considered to meet the aims of Policy HG/9 and is therefore considered acceptable subject to an agricultural occupancy condition.
20. There is a slight concern with regard to the size of the dwelling and its future use. It is relatively large and it is unlikely that if the applicant were to move from the site, a farm worker would be able to purchase the dwelling outright. However, the condition would ensure it remains for occupation by an agricultural worker and controlled as such by the District Council.

Impact upon the Surrounding Countryside

21. The previous application S/1714/09/F granted outline consent for a dwelling. Whilst no elevations were provided as part of the scheme, scale parameters were provided binding the application to those parameters at application stage. The parameters agreed at outline stage were considered to ensure there would be minimal impact upon the surrounding countryside. The site lies in open countryside, although there is some screening from trees and the existing farm buildings.
22. The full application does seek the proposed dwelling to be in excess of those previously agreed outline parameters. The height has been increased from a maximum of 7m to 8m to the highest roof ridge. The proposed dwelling has a width of 14m, within the agreed parameters, and a depth of 19.4m. This is beyond the agreed 8-12m, but members should be aware that the two-storey

element measures 10.4m in depth. The remaining part is therefore single storey.

23. Despite the additional height and depth created by the single storey element, the proposed is not considered to create any serious harm to the surrounding countryside. However, it is considered necessary to provide further planting to ensure further screening is put in place. This would require either planting to the front of the site along Overcote Road, or the southern boundary of the newly created residential curtilage. Subject to the use of appropriate materials, the proposal is therefore considered acceptable.

Impact upon the Amenity of the Occupier of the Adjacent Property

24. The dwelling to the west, Chain House, is not within the ownership of the farm. The proposed dwelling would be visible from the rear facing windows and garden of this property. However, the curtilage of the dwelling would be located 25m from the rear garden boundary of Chain House. At such a distance, the proposal would not harm the occupiers of this existing property.

Flood Risk

25. The Environment Agency has referred back to their previous advice in the outline application, and their input in the discharge of conditions for this application. With regard to the outline, they considered the Flood Risk Assessment to be acceptable and recommended a number of conditions and informatives be added. Of the conditions recommended, the Environment Agency have agreed details in principle regarding flood resilience measures and foul water drainage. Conditions can ensure that these matters are completed in relation with the agreed detail. A condition regarding floor levels can again be added.

Infrastructure Contributions

26. The applicant has confirmed their willingness to contribute towards provision of public open space, community facilities and waste receptacles, and the Section 106 monitoring fee. A draft Agreement has been sent to the applicant for checking and signing. Members will be updated on any progress in this regard.

Land Contamination

27. The comments from the Council's Scientific Officer are noted. They recommend a condition regarding remediation works if contaminants are found during construction. Such a condition can be added to the consent.

Recommendation

28. Approve, subject to the following 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: CFO-01, CFO-02, CFO-03 and CFO-04 date stamped 13 June 2012.

(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

3. The development shall commence in line with the previously agreed details submitted pursuant to planning permission S/1714/09/O and related application S/1269/12/DC as stated within the confirmation letter dated 22 October 2012, unless agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details:

a) The foul water drainage shall be as per the letter dated 8 June 2012.

b) Flood Resilience Measures shall be as per the letter dated 8 June 2012.

c) Materials to be used for the external surfaces of the building shall be as per the schedule within the letter dated 8 June 2012.

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

4. 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.)

5. 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.)

6. 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.)

7. During the period of 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.)

8. 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.)

9. If, during the development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved to the satisfaction of the Local Planning Authority.

(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).

10. 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.)

A further condition and appropriate informative regarding infrastructure contributions may be required if this matter is not resolved prior to the meeting.

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 (LDF) Core Strategy, adopted January 2007**
- **Local Development Framework Development Control Policies 2007**
- **Open Space in New Developments SPD – adopted January 2009, & District Design Guide SPD – adopted March 2010.**
- **National Planning Policy Framework**
- **Planning Ref Files: S/1656/12/FL, S/1714/09/O, S/1333/90/O, S/0357/90 and S/0213/87/O**

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