

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

11 January 2012

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

**S/1725/11 – ICKLETON
Erection of Dwelling at Land to the West of 20 Church Street
for Heddon Management Ltd.**

Recommendation: Approval

Date for Determination: 25th October 2011

Notes:

Members will visit the site on Tuesday 10th January 2012

This application has been reported to the Planning Committee for determination as the officer recommendation conflicts with the recommendation of Ickleton Parish Council

Site and Proposal

1. The site is located within the Ickleton village framework and conservation area. It is a triangular shaped plot that measures approximately 0.05 of a hectare in area. The site currently comprises an area of rough grass that has a number of trees around the perimeter. The land levels rise to the north. A public footpath runs along the north eastern boundary. The site lies within flood zone 1 (low risk).
2. An electricity substation is situated immediately to the east of the site. It is surrounded by high fencing. No. 20 Church Street is a detached, two-storey, render and plain tile listed building that lies to the south east. It has a high curtilage listed flint wall along the boundary with the site and first floor kitchen, bathroom and landing windows in its rear elevation. No. 1 Frogge Street is a detached, two and a half storey, render and plain tile listed building that lies to the south west. It has a high fence along its rear boundary. No. 28 Church Street is a one and a half storey, render and slate dwelling that lies to the west. It has a ground floor kitchen window in its side elevation and ground lounge patio doors and a first floor bedroom window in its rear elevation. A low fence and trees align the boundary with the site. No. 10 Butchers Hill is a detached, one and a half storey, weatherboard and plain tile dwelling that lies to the north. It is set at an elevated level and has sitting room and bedroom windows in its rear elevation and its main sitting out area adjacent the southern boundary wall.
3. This full planning application, received 26th August 2011, as amended 28th November 2011, seeks the erection of a part two-storey and part single storey L shaped dwelling along the north western and south western site boundaries. It would be set below existing ground levels and have a maximum height of 5.8 metres. The building would have a contemporary design with two monopitch elements of different heights separated by a link. The materials of construction would be vertical timber cladding above a brick plinth for the walls and sedum for the roofs. The accommodation would have four bedrooms. Two parking spaces would be provided on the driveway. The existing Walnut and fruit trees in the south eastern corner of the site would be retained. The remaining trees would be removed. Three new trees and a laurel hedge would be planted on the south western boundary of the site, two new trees would be

planted on the north /north eastern boundary of the site, and one new tree would be planted within the courtyard amenity area.

Planning History

4. Planning permission was refused for a dwelling on the site under reference **S/2123/08/F**. The proposal was considered to damage the setting of the listed building at No. 20 Church Street and the conservation area through the bulk of the development affecting the site's open character and design being unsympathetic to the traditional character of buildings within the vicinity of the site and harm to the amenities of neighbours at No. 28 Church Street through being unduly overbearing in mass, through noise and disturbance from the use of the access; and through overlooking.
5. An appeal was dismissed for the erection of dwelling and garage on the site under reference **S/0750/05/F**. The proposal was considered to damage the setting of the listed building at No. 20 Church Street through the loss of a significant section of the curtilage listed boundary wall, the bulk of the development affecting the secluded surroundings, and the height of the building destroying the majority of the site's open character; harm to the amenities of neighbours at No. 28 Church Street through being unduly overbearing in mass and through noise and disturbance from the use of the access; and an adverse impact upon the new dwelling though overlooking from existing dwellings.

Planning Policy

6. **Local Development Plan Policies**

South Cambridgeshire LDF Core Strategy DPD, 2007:
ST/7 Infill Villages

South Cambridgeshire LDF 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/7 Development Frameworks
HG/1 Housing Density
CH/3 Listed Buildings
CH/4 Development Within the Setting of a Listed Building
CH/5 Conservation Areas
NE/1 Energy Efficiency
NE/6 Biodiversity
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009
Development Affecting Conservation Areas SPD - Adopted January 2009
Listed Buildings SPD - Adopted July 2009
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Biodiversity SPD - Adopted July 2009
District Design Guide SPD - Adopted March 2010

7. **National Planning Guidance**

Planning Policy Statement 1 (Delivering Sustainable Development)
Planning Policy Statement 3 (Housing)
Planning Policy Statement 5 (Planning for the Historic Environment)

8. **Circulars**

Circular 05/2005 Planning Obligations
Circular 11/95 The Use of Conditions in Planning Permissions

Consultation

9. **Ickleton Parish Council** – Recommends refusal and has the following comments:

“General summary comment

By virtue of the scale, design and form of the proposed dwelling the development would intrude upon the open and natural setting of the listed Gurner House, and it would therefore adversely affect the setting of this listed building. In addition it would adversely affect the special character and appearance of the Conservation Area. (Policy CH/4 of LDF 2007, Listed Buildings SPD, Policy HE10 of PPS 5, Policy CH/5 of LDF 2007, Conservation Areas SPD, & Policy HE9 of PPS 5)

Specific comments

No weight should be given to any preference expressed for Option 1 in pre-application discussions. This amounted to nothing more than identification of the least worst option amongst those on offer.

The current proposal represents gross overdevelopment of the site. The dwelling is far too big for the site. It is doubtful that a two-storey dwelling could ever be considered suitable for such a sensitive site.

This is just not the place for this type of design. In this part of the Conservation Area there are no fewer than 5 listed buildings in the vicinity. The building will simply not complement them, or the surrounding non-listed buildings, and the CA will therefore be adversely affected.

The building would be considerably more visible than suggested by the drawings submitted and as claimed in the narratives. In particular the sedum roof - whose visibility will be exacerbated by the intended rooflights - will be visible from the public highway on Butchers Hill. The intended building will also be more visible when viewed from Church Street than indicated in the application papers.

There would be adverse impact on the amenity of Gurner House, and also on the amenity of 10 Butchers Hill. The residents have submitted their own detailed comments in this regard, and the Parish Council supports their comments.

More than on any other neighbouring dwelling, the adverse impact on 28 Church Street would be immense, given the proximity of the intended single-storey wing extension to that dwelling. In addition, the long flanking side elevation of the dwelling and its extension running as it would alongside the garden/recreation space of No 28 would dominate and have a deleterious effect.

The intended parking arrangements for the new dwelling would have almost as bad an impact on the quiet enjoyment of the residence and garden at No 28 as those proposed in previous, rightly rejected, applications. It should be noted that no representations will be received from No 28 directly as the property has been taken into the ownership of the Applicant. The adverse impact of the proposal on that property however needs to be recognised.

There would be considerable negative impact on the amenity of the intended dwelling itself. It would be overlooked - and overheard - from above at the rear from one neighbouring property, and overlooked at the front from two properties and an annexe. There would be serious issues of privacy for any residents. The main rectangular block of the building, which has to be sunk into the ground by reason of the constraints of the site, gives off an unfortunate 'bunkerish' impression. This is reinforced by the need to reduce and set back window openings in the upper floor windows to the front, and the insertion of 'firing-slit' windows at the rear. These rear windows will in addition be awkwardly placed when viewed from within. The rear of the building will be an unattractive dead zone. The need to constrain the height also results in constrained internal dimensions in the upper corridor. We feel these factors, forced on the design in order to address the problem of amenity of surrounding dwellings, detract from the amenity of the proposed dwelling whilst simultaneously failing to remove the adverse impacts upon the surrounding properties.

The Parish Council thinks it is unacceptable that cars should be reversing in or out of the property onto the public highway at that particular part of Church Street. This is a very busy stretch of footpath, located near the village shop and bus stops (used by school buses). There are a lot of vehicle movements and short-term parking related to users of the village shop very near to the location. We believe the application should be refused on the grounds of highway safety.

The Parish Council wondered whether there were any Health & Safety issues involved with arrangements involving the permanent parking of vehicles adjacent to the Electricity sub-station?

The Parish Council was not convinced that the proposed Sedum roof will sit well in this neighbourhood. It was felt that it was not likely to thrive; there was no awareness of any Sedum roofs in the area which can be said to be thriving. It was difficult to see how this roof and other features of the building design could be said to preserve or enhance the character of the area.

Great concern was expressed over the lack of detail about the extensive excavations required if the application were to succeed. These would potentially jeopardize not merely the curtilage wall of listed Gurner House, but equally the historical and interesting flint and brick wall bordering the public footpath between Butcher's Hill and Church Street (and perhaps even endangering the footpath itself). We would not wish to see either of these walls lost or damaged owing to excavations, which may be complicated as we understand the underlying land may be very unstable."

10. **Conservation Officer** – Recommends refusal and makes the following comments: -

Original Plans

"This land is within the ownership of Gurner House at the time of listing and is within the current setting of this and 1 Frogge Street, both grade II listed buildings. The walls predating 1948 would be curtilage listed. The site is significant as an informal open green space within the setting and backdrop of listed buildings and within the conservation area. The Inspector commenting on S/0750/05/F commented that it

provides a very pleasant, spacious setting for the rear of the listed building and that a reason for dismissing the appeal was that it would mean the loss of the existing open backdrop to Gurner House and due to the bulk of the proposed house would amount to an insensitive intrusion into the secluded surroundings of the secluded garden (para 7).

I would have the following concerns:

- The loss of the open green space and backdrop to the listed buildings.
- The cramped and bulky layout of the proposed development.
- The likely undermining of the curtilage listed flint walls due to the extensive lowering of ground levels and proximity of the proposed building and structures close to the walls.
- The set-back location of the building in contrast to the road edge positions of adjacent buildings. The Heritage Statement says other buildings are set back, but these comprise either the farmstead buildings or ancillary and subservient buildings, rather than main houses.
- The potential loss of viability of number 28 due to impact on amenity.
- There is insufficient information regarding how visible the building would be from the listed building or conservation area, say over the wall and at the entrance as accurate sections have not been supplied through these areas and there is conflict between the heights of wall between the listed buildings and this site shown on the drawings e.g. the 3-D drawings do not seem to accord with photos and seem to show more screening than exists.
- The proposed development is therefore likely to be visible above the entrance fencing due to the two-storey nature of the building.
- The extensive use of close boarded fencing at the entrance in contrast to the better quality brick and stone walls more characteristic of the group.
- The loss of trees and green screening in the setting of 1 Frogge Street, making the development and loss of open green space more obvious.
- The development contrasts with the character of main houses along streets in the conservation area which is only varied by farmsteads and subservient buildings. Contrary to para 3.02 of the Heritage Statement, backland development of the hierarchy and form proposed is not characteristic of the historic village.

I refer you to the Inspectors comments on S/1534/08/F which is more current than the views of the Inspector on this site in 2005 with regard to the harm caused by the presence of a building within a formerly open space in a conservation area despite limited public views.

There is no public benefit to offset the harm under PPS5 and I therefore recommend refusal as follows:

The proposed dwelling will adversely affect the settings of the grade II listed Gurner House and 1 Frogge Street, due to its position, extent, bulk and loss of screening and openness. This would be contrary to policy CH/4 and PPS5 policies HE6, 7, 9 and 10 (including HE6.1, HE7.2, HE7.5, HE9.1, HE9.4 and HE10.1).

The proposed development is likely to undermine the curtilage listed boundary flint wall, contrary to policy CH/3 and PPS5 policies HE6, 7 and 9 (including HE6.1, HE7.2, HE9.1 and HE9.4).

The position and presence of the dwelling within a significant open space behind street frontage buildings and the design of the entrance would adversely affect the character of this part of the conservation area, contrary to policy CH/5 and PPS5 policies HE6, 7, 9 and 10 (including HE6.1, HE7.2, HE7.5, HE9.1 and HE9.4)”

Response to agents letter dated 12th October 2011

"I have viewed the site from Gurner House. It is my opinion from the information available in the application, that it would be visible over the wall from Gurner House, both from the garden and from the house. It would intrude upon the openness which is significant to the rear and setting of Gurner House. By being within backland and surrounded by rear gardens, the proposed dwelling does not have the same relationship to houses around it as the street edge buildings do.

The assessment of harm under PPS5 does not require the development only to be dominating or overbearing in order to be harmful. "

11. **Local Highways Authority** – Requires conditions to ensure that the driveway is constructed with adequate drainage measures and bound material within 6 metres of the public highway.
12. **Environmental Health Officer** – Has no comments.
13. **Trees and Landscapes Officer** – Has no objections.
14. **Landscape Design Officer** – No reply (out of time).
15. **Ecology Officer** – Accepts that no reptiles would be damaged and has no further comments.
16. **Rights of Way and Access Team** – Has no objections but comments that Public Footpath No. 6, Ickleton runs along north eastern boundary of the site and highlights points of law in relation to the footpath.

Representations

17. Letters of objection have been received from the neighbours at No. 10 Butchers Hill, March Cottage Butchers Hill, No. 30 Church Street, Gurner House 20 Church Street, and 5 Priory Close. A letter of objection has also been received from the Ickleton Society. Concerns are raised on the following grounds: -
 - Unduly overbearing mass, noise and disturbance, and loss of privacy to No. 10 Butchers Hill;
 - Noise and disturbance from the driveway, overlooking and overbearing mass to No. 28 Church Street;
 - Overlooking to and from Gurner House
 - Noise and disturbance from the driveway and overlooking to and from the annexe to Gurner House;
 - Limited access width and highway safety issues with regards to pedestrian visibility and manoeuvring as there is no on-site turning;
 - The scale, design, form, siting, proportions, materials, texture and colour of the building is out of keeping with the conservation area;
 - The scale, design, form of the building would enclose the existing open setting of the adjacent listed building (Gurner House) and other cottages in Church Street;
 - Overdevelopment of the site;
 - Impact upon the listed wall;
 - Loss of paddock that is possibly a valuable wildlife area;

- If the site is developed it should be for a small affordable dwelling
- Planning history of the site;
- Overlooking to No. 30 Church Street;
- Damage or loss of Ash tree

18. The applicant's agent has responded to the conservation officer original objections in a letter dated 12th October 2011 as follows: -

"I note the Conservation Officer's concerns in respect of the loss of the green space and backdrop to the Listed Building. The supporting documentation of the application clearly outlines our case that it is the views above and beyond the boundary wall which are of most importance to the setting of Gurner House. The tall boundary wall provides an effective screen/barrier between the application site and the curtilage of Gurner House. If development were to occur that is well concealed behind this wall, the presence of built form will not, in our view, have a harmful impact on the setting of the listed building.

In this regard I note the pictures that have been taken from Gurner House. It would be helpful to understand from which windows these pictures are taken from. While I have clearly not had the benefit of viewing the site from Gurner House, it would appear to me that the photos are taken from the first floor window in the modern extension to the dwelling (Bathroom), the ground floor (Kitchen) window in the single storey link and the first floor (Bathroom) window in the main dwelling. Can this be verified?

Also, have you inspected the views from these windows? The reason I ask is that having regard to the orientation of Gurner House, relative to the application site, and the level of separation provided, it would be helpful to know at what angle these pictures have been taken from, (particularly the external first floor shot). I would appreciate your confirmation of this before commenting in any detail on these pictures.

Notwithstanding the above, my initial observations are however that from the historic parts of the listed building views of the proposed building will be limited with the majority of the structure being screened by the boundary wall. When viewed at a certain angle, (and perhaps outside of the first floor bathroom window), views of the first floor will be provided. Such views are however limited and are provided over some distance. As a result the development will not have a dominating or overbearing impact that will adversely affect the setting of the Listed Building. It will instead form a partly visible feature just as existing developments do in the case of Gurner House already and indeed in the vast majority of all other listed buildings.

In relation to the comment about cramped development, the building to plot ratio is not dissimilar to existing plots along Church Street. By design, the dwelling is inward looking with the building lining the outer boundaries of the site. I do not agree that the development appears cramped as a result or harmful to either the setting of the Listed Building or the Conservation Area.

I note the comments about views from beyond the site boundary. These are often difficult to generate as accurate survey data can not be obtained from third party land. The sections that have been submitted are based on accurate survey data and are therefore representative. I will however explore with the architect to see if further drawings can be provided to assist with the assessment of this application.

In respect of the scale of development, relative to other buildings set back from the road, I think the important factor is how the development is viewed/perceived. While it is a two storey building, because it is to be set down within the site, it will have the appearance, when viewed from the surrounding area, of a building of a more subservient scale. It should also be noted that the pattern of development is very mixed in the local area.

The view of the development from Church Street is illustrated on the street view submitted within the application. The proposed use of close boarded fencing reflects the existing treatment of the entrance to the site. I am happy to discuss the potential use of alternative materials here if this is considered necessary/appropriate. In respect of landscaping, some trees are to be removed but these are of limited value. Replacement planting will be provided as part of this development. The level of separation provided, the scale of development proposed and the presence of existing development means, that in our view, the proposed development will therefore have no adverse impact on the setting of No 1 Frogge Street.

I note the comments about the future stability of the Listed Wall. I will seek further guidance on this and revert back to you. Clearly the Party Wall Act would ensure that damage to this common boundary wall would not occur and that it will be adequately protected. I will however see if I can be any more specific on this matter at this stage.

I have had regard to the appeal decision provided by the Conservation Officer for 9 Rectory Farm Road, Little Wilbraham. The comments within this decision concerning the openness of the Conservation Area are cited. Firstly this land is very different to the application site. It is a large parcel of undeveloped land which abuts the highway and provides a very clear break in the ribbon of development which extends along the road. I do not think this site's characteristics could be more different to the application site which has limited highway frontage and sits in amongst enclosed residential gardens. Gaps similar to that provided by the appeal site are characteristic of the Little Wilbraham Conservation Area and are fundamental to the character and appearance of the area. This is not so in the case of the application site and the undeveloped nature of the site makes very little contribution to the overall character of the area, a view very much supported by the previous appeal decision for this site and the Council's pre-application letter, dated 29th July 2011.

In the case of the Little Wilbraham Appeal, the inspector concluded that the open aspect provided by the appeal site, together with the presence of very prominent and high quality landscaped features meant that the development of the space would have an adverse impact on the character and appearance of the designated area. While reference was made to the limited views provided of the development I do not agree that this decision adds any weight to the case being put forward by the Conservation Officer. Each case has to be judged on its merits and the character of the application site and its relationship with the surrounding Conservation Area is fundamentally different to that at Little Wilbraham.

What I think is of relevance within the Little Wilbraham Appeal is paragraph 3 where the impact of the development on the adjacent Listed Building, Reed Cottage, is discussed. Here the Inspector states (and I quote)

its [Reed Cottage] north elevation is along the common boundary with The Bell House. There is only one small window within this, its northern wall, which is a bathroom. Along this boundary there is a considerable amount of vegetation in the form of trees and shrubs, their height emphasising their effectiveness as a screen between the Listed Building and The Bell House, which dates from the early 19th century. These considerations of aspect and screening persuade me that the openness of the appeal site does not contribute in any significant way towards the setting of the Listed Building. Its setting is essentially its garden which is its curtilage, and so I do not consider that the appeal proposal would have any material effect upon the setting, immediate or wider, of the Listed Building."

The applicant's position remains therefore that the development will not have any adverse impact on the setting of the Listed Building nor will it adversely affect the

character and appearance of the Conservation Area. I would also like to point out that this is a position which the Council supported in its pre-application letter since which the development has been reduced in height and scale and has been relocated further away from the Listed Building.”

Amended plans with additional information and a revised landscape strategy have also been submitted.

Planning Comments – Key Issues

19. The key issues to consider in the determination of this application are the principle of the development and density, and the impacts of the development upon the setting of adjacent listed buildings, the character and appearance of the conservation area, the cartilage listed wall, trees and landscaping, highway safety, and neighbour amenity.

Principle of Development

20. The site is located within the village framework of an 'Infill Village' where residential developments of up to two dwellings are considered acceptable in principle subject to all other planning considerations.

Density

21. The development of one dwelling would equate to a density of 20 dwellings per hectare. Whilst this would be below the density requirement of 30 dwellings per hectare that should be achieved in villages such as Ickleton, it is considered appropriate in this case given the sensitive nature of the site within the conservation area and adjacent listed building, and the access restrictions.

Setting of Adjacent Listed Buildings

22. No. 20 Church Street is a two-storey listed building that is set on the back edge of the footpath. The original building is to the eastern side with the main garden to the rear, and a 1970's two-storey annexe extension is to the western side with a kitchen garden to the rear and parking area to the side. There is a high flint wall along the eastern side boundary and large conifers to the rear.
23. Whilst the conservation officer's concerns are noted, the proposed dwelling is not considered to damage the setting of this listed building. Although the dwelling would be visible above the listed boundary wall, it is not considered to result in the loss of the existing open backdrop to the listed building given that it would project 1 metre above the lowest part of the wall, would not be visually dominant in views from the ground floor windows and the garden of listed building, would be situated a distance of 29 metres from and closer to the less significant service area of the building and garden, and that there area already views of the existing boundary wall to No. 10 Butchers Hill that has a poor design and materials.
24. No. 1 Frogge Street is a two and a half storey building that is set on the back edge of the footpath. It is situated a distance of 20 metres from the site boundary and has a high fence along its rear boundary. There are some trees and landscaping within the site that act as a screen.
25. Although the existing trees and landscaping on the site would be removed, the revised landscape strategy proposes replacement planting in order to ensure that the proposal would not damage the setting of this listed building.

Curtilage Listed Wall

26. The proposed dwelling would be situated a distance of 5 metres from the curtilage listed wall along the eastern boundary. However, the excavation works and retaining walls required to construct the dwelling at a lower ground level would be situated a distance of 2.5 metres from the wall. A structural report has been submitted to demonstrate that the proposal would not have an adverse impact upon the curtilage listed wall subject to the construction of the retaining wall by specialist means. This could be a condition of any consent.

Character and Appearance of the Conservation Area

27. The conservation area comprises a number of houses along the street frontages that have a traditional and dense character and appearance. However, a number of more recent infill plots have been built on sites that are set back from the street frontage, namely No. 28 Church Street and No. 10 Butchers Hill. This is in contrast to open spaces including the green at the corner of Church Street and open paddock land to the south of Church Street that forms a countryside setting.
28. Whilst the conservation officer's concerns are noted, the proposed dwelling is not considered to harm the character and appearance of the conservation area. The Inspector when determining the 2005 application did not consider the site to form an important open space in the conservation area, given its secluded nature and its limited visibility from public viewpoints. The proposal is also not considered to be out of keeping with the pattern of development in the village as infill plots to the rear of dwellings have been allowed in the past. The proposed dwelling would be constructed at significantly lower ground level and have a lower height than the dwelling at No. 10 Butchers Hill and its boundary wall that is currently visible from Church Street albeit well screened by the existing trees on the site. In addition, it would have a contemporary outbuilding style design with timber walls and a sedum roof that although would not match the form of existing buildings, is considered appropriate, and would reduce the impact of the modern dwelling and render wall at No. 10 Butchers Hill. Although it is acknowledged that the dwelling would be situated close to the boundaries of the site, it would have an open courtyard amenity area centrally and a very low scale link so it would appear as two separate buildings. It is not therefore considered to result in a cramped form of development. The close boarding fencing at the entrance to the site is considered to be less prominent than the existing close boarded fencing and is therefore considered acceptable.

Trees and Landscaping

29. The proposal would not result in the loss of any important trees or landscaping that contribute to the visual amenity of the area. The significant Walnut tree would be retained and protected. The trees to be removed along the south western boundary would be replaced. A landscaping condition would be attached to any consent ensure that planting softens the impact of the development upon the surrounding listed buildings and conservation area.

Highway Safety

30. The proposal is not considered to result in a material increase in traffic generation to and from the site that would be detrimental to highway safety. The access width is considered suitable. Whilst it is acknowledged that the standard requirement of 2.0 metres x 2.0 metres pedestrian visibility splays could not be achieved on each side of the access due to the boundary wall and that this would lead to restricted visibility when exiting the site, the use of lower splays are considered acceptable in this case given the support by the appeal Inspector who did not consider the level of traffic that

would use the access and standard of visibility to pose a significant threat to pedestrian safety.

31. Two on-site parking spaces would be provided for the new dwelling that would accord with the Council's parking standards. The proposal would not therefore lead to on-street parking that would cause a hazard and adversely affect the free flow of traffic along Church Street.
32. Although it is noted that the proposal would not provide an on-site turning area and vehicles would have to reverse out of the site, this is considered acceptable given the nature of the existing access and the lack of any objection from the Local Highways Authority.

Neighbour Amenity

33. The proposed dwelling is not considered to seriously harm the amenities of the neighbour at No. 20 Church Street through being unduly overbearing in mass, through a significant loss of light, or through a severe loss of privacy. The single storey element of the dwelling would be situated 5 metres off the boundary, adjacent the kitchen garden, and orientated to the west. This is not considered to be unduly overbearing mass or a loss of light. The first floor bedroom windows in the front elevation would be 30 metres from the windows in the rear elevation and 12 metres and from the boundary. This relationship is considered acceptable.
34. The proposed dwelling is not considered to seriously harm the amenities of the neighbour at No. 28 Church Street through being unduly overbearing in mass, through a significant loss of light, through a severe loss of privacy, or through noise and disturbance from the use of its access. Whilst it is noted that the single storey part of the building would be situated 1.6 metres off the boundary, it is not considered to result in an unduly overbearing mass or light, as it would have a maximum height of 3.3 metres adjacent to the sitting out area and be orientated to the north. The two-storey building would be located adjacent the very rear portion of the garden away from the sitting out area. The first floor bedroom windows in the front elevation would be 17 metres and an oblique angle from the bedroom and living room windows in the rear elevation and 12 metres and an oblique angle from the boundary and sitting out area beyond. This relationship is considered acceptable. The first floor shower room window is not considered to result in a loss of privacy as it would only overlook the very rear portion of the garden and could be conditioned to be fixed shut and obscure glazed. The driveway would run adjacent to the kitchen window and not project as far as the sitting out area and windows in the rear elevation. Given the nature of this room and the proposed use of the site, the development is not considered to result in a significant level of noise and disturbance.
35. The proposed dwelling is not considered to seriously harm the amenities of the neighbour at No. 10 Butchers Hill through being unduly overbearing in mass, through a significant loss of light, or through a severe loss of privacy. Whilst it is acknowledged that the dwelling would be situated a distance of 1.5 metres from the boundary of that property and orientated to the south of its rear habitable room windows and private sitting out area, it would have a sedum roof sloping away with a maximum height of 1.7 metres above the boundary wall at a distance of 8 metres from the boundary. This is not considered to result in an unduly overbearing mass or loss of light. The first floor windows in the rear elevation are not considered to result in a loss of privacy, as they would serve a landing area (non habitable) and have a sill height approximately 1 metre below the height of the wall.

36. The existing dwellings at Nos. 20 and 28 Church Street and No. 10 Butchers Hill are not considered to result in harm to the occupiers of the new dwelling through being unduly overbearing in mass, through a loss of light, or through a loss of privacy. The windows between the properties would have the same relationships identified above and the internal courtyard amenity area would be screened by the proposed dwelling or situated a distance of 20 metres from any windows.

Developer Contributions

37. The South Cambridgeshire Recreation Study 2005 identified a shortage of play space within Ickleton. No public open space is shown within the development. The increase in demand for sport space as a result of the development requires a financial contribution of £4,258.90 (index linked) towards the improvement of existing open space in the village to comply with Policy SF/10 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant's agent has confirmed agreement to this contribution.
38. The South Cambridgeshire Community Facilities Assessment 2009 states that Ickleton has an excellent level and standard of indoor community facilities. However, investment is required and due to the increase in the demand for the use of this space from the development, a financial contribution of £703.84 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. This would be secured via a legal agreement that would be a condition of any consent. The applicant's agent has confirmed agreement to this contribution.
39. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide which outlines the basis for planning conditions and obligations. In accordance with the guide, developers are requested to provide for the household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling. This would be secured via a legal agreement that would be a condition of any planning consent. The applicant's agent has confirmed agreement to this contribution.

Other Matters

40. The loss of the paddock is not considered to result in the loss of any important wildlife habitats. Ecological enhancement could be a condition of any consent.
41. The development of one dwelling is not required to be affordable to meet local needs.
42. The loss of the value of a property is not a planning consideration.

Conclusion

43. 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

44. Approve as amended by plans stamped 28 November 2011, 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: 1:1250 location plan and drawing numbers 10044-05 Revision C, 06 Revision C, 07 Revision C, 08 Revision C, 09 Revision A; LD 11 895-2, 4A and 5A; Prior Associates Report ref: 9581 dated November 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 samples 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. 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 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.)
- 5. No development shall take place until details of the materials to be used for hard surfaced areas within 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 - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 2007 of the adopted Local Development Framework 2007 and in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework.)
- 6. No development shall take place until details of the method of surface water drainage for the driveway has 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 interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework.)
- 7. The permanent space to be reserved on the site for the parking of two cars shall be provided before the development hereby permitted is occupied and thereafter maintained.**
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework.)
- 8. 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.)

9. **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 any elevation/roof slope of the dwelling at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**

(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

10. **The first floor bathroom window in the south west side elevation of the dwelling, hereby permitted shall be fixed shut and glazed with obscure glass.**

(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

11. **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, and E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.**

(Reason – To safeguard the amenities of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

12. **No development shall begin until details of a scheme for the provision of open space, community facilities and waste receptacles to meet the needs of the development in accordance with adopted Local Development Framework Policies SF/10 and DP/4 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 open space, community facilities and waste receptacles in accordance with Policies SF/10 and DP/4 of the adopted Local Development Framework 2007.)

13. **During the period of demolition and construction, no power operated machinery shall be operated on the site before 08.00 hours and after 18.00 hours on weekdays and before 08.00 hours and after 13.00 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.)

14. **The excavation works and retaining walls shall be constructed in accordance with the Prior Associates Report ref: 9581 dated November 2011.**

(Reason - To protect the listed wall in accordance with Policy CH/3 of the adopted Local Development Framework 2007.)

Informatives

1. The driveway should be constructed from bound materials within 6 metres of the public highway in order to avoid the displacement of loose materials on to the public highway.
2. The access shall remain open at all times and not be obstructed.
3. Should pile driven foundations be proposed, then before works commence, a statement of the method of construction for these foundations shall be submitted and agreed by the Environmental Health Office so that noise and vibration can be controlled.
4. During construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Environmental Health Officer in accordance with best practice and existing waste management legislation.
5. See attached Environment Agency advice regarding soakways.
6. The effect of development upon a public right of way is a material planning consideration in the determination of applications for planning permission. No alteration to the surface of the footpath is permitted without the consent of the Cambridgeshire County Council Rights of Way and Access Team (it is an offence to damage the surface of a public right of way under s.1 of the Criminal Damage Act 1971).
7. The footpath must remain open and unobstructed at all times. Building materials must not be stored on it, and contractors' vehicles must not be parked on it (it is an offence under s. 137 of the Highway Act 1980 to obstruct a public right of way).
8. Landowners are reminded it is their responsibility to maintain hedges and fences adjacent to public rights of way, and that any transfer of land should account for any such boundaries (s. 154 of the Highways Act 1980.)
9. The granting of planning permission does not entitle a developer to obstruct a public right of way (Circular 1/09 para. 7.1)

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- Planning Policy Statements 1, 3 and 5.
- Planning File References: S/1725/11, S/2123/08/F, and S/0750/05/F

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