

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

6 March 2013

**AUTHOR/S:** Planning and New Communities Director

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### **S/2545/12/FL – HARSTON**

**Erection of detached dwelling following demolition of existing buildings and removal of caravans at Land r/o 8 Sheepshead Lane for Garden House Homes Limited**

**Recommendation: Delegated Approval**

**Date for Determination: 8 February 2013**

#### **Notes:**

##### **Departure Application**

**This application has been reported to the Planning Committee for determination as the Officer recommendation does not satisfy one of the provisos in the response received from the Parish Council**

**To be presented to the Committee by Kate Wood**

#### **Site and Proposal**

1. The site, which extends to 0.32 hectares, lies outside the Harston village framework and within the countryside and Green Belt. It is used for the manufacture and storage of concrete paving slabs and for the storage of touring caravans. It comprises two single-storey outbuildings, a significant amount of open storage of materials and pallets and, adjacent to the eastern end of the southern boundary, open storage of up to 30 caravans. The site is accessed via Sheepshead Lane, a narrow single-width private track that serves eight residential properties and emerges onto the High Street directly adjacent to the petrol filling station.
2. The application proposes to erect a detached four-bedroom dwelling on the site following the demolition of the existing buildings, the removal of the caravans and the cessation of the existing commercial use of the land. The proposed dwelling would be located towards the southern end of the site. It would be mainly single-storey in scale and contemporary in design, consisting of timber and render walls under a series of curved roofs. The dwelling is designed to be constructed to Code Level 5 and to Lifetime Homes standards, by incorporating features such as a ground source heat pump and photovoltaic panels, rainwater harvesting and greywater recycling.

#### **Planning History**

3. S/1905/11 – Erection of dwelling and carport following demolition of existing buildings – application withdrawn.

4. S/0924/10/LDC – Lawful Development Certificate for existing use of land for manufacture and storage of concrete paving slabs and ornaments and storage of touring caravans – granted.
5. S/1518/75/F – Use of land and buildings for nursery purposes – approved.
6. S/1168/75/F – Change of use of shed to office – approved.
7. S/0672/75/F – Use as landscape garden business – permission required.

### **Planning Policy**

8. National Planning Policy Framework 2012
9. South Cambridgeshire Local Development Framework Development Control Core Strategy 2007:  
ST/1: Green Belt  
ST/6: Group Villages
10. 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/7: Development Frameworks  
GB/1: Development in the Green Belt  
GB/2: Mitigating the Impact of Development in the Green Belt  
HG/1: Housing Density  
NE/1: Energy Efficiency  
NE/6: Biodiversity  
NE/15: Noise Pollution  
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
11. South Cambridgeshire LDF Supplementary Planning Documents (SPD):  
Open Space in New Developments – Adopted January 2009  
Trees and Development Sites – Adopted January 2009  
District Design Guide – Adopted March 2010  
Landscape in New Developments – Adopted March 2010
12. Circular 11/95 (The Use of Conditions in Planning Permissions) - Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

### **Consultation by South Cambridgeshire District Council as Local Planning Authority**

13. **Harston Parish Council** – “Recommends approval of the construction of the attached mentioned dwelling at Sheepshead Lane but with the two following provisos:

- Only one house, as mentioned in this planning application, should be constructed on this site. No further building should take place, in the future, on this green-belt plot of land.
- The junction of Sheepshead Lane and Harston High Street [A10] is, in its current configuration, dangerous for traffic. The safety of this junction must be improved.

If these two provisos cannot be met, it is recommended that this development does not proceed.”

14. **The Trees Officer** – Raises no objections, stating that the boundary trees are not afforded any statutory protection. However, they are significant in screening the site and should therefore be retained.
15. **The Environmental Health Officer** – Expresses concern that problems could arise from noise during the construction period. As such, any consent should be subject to a condition to control the hours of use of power-operated machinery during the construction period.
16. **The Environmental Health Officer (Contaminated Land)** – States that the site is of former commercial/manufacturing use and a contamination investigation condition should therefore be added to any consent.
17. **The Local Highways Authority** – Raises no objections, stating that no significant adverse effect upon the public highway should result from this proposal. It also confirms that it would not request the developer to carry out any highway works as mentioned within the Transport Statement.

#### **Representations by members of the public**

18. A letter of support has been received from No. 8 Sheepshead Lane. The main points raised are:
  - The proposal is supported providing the paving and caravan storage businesses cease.
  - The low-rise building would be quite unobtrusive.
  - The erection of one dwelling would resulting reduced traffic compared to the existing paving business.
  - If the application is rejected, the paving business could be expanded resulting in more heavy traffic.
19. A letter of objection has been received from residents within Sheepshead Lane. The main points raised are:
  - The access from and egress to the A10 is already problematical with eight dwellings using it. The configuration at the point it joins the A10 is highly dangerous and one of the residents has been involved in an accident at this junction.
  - At the time of a previous application for further housing development with access to the High Street, it was decided on appeal that the lane is suitable for one additional residence. Planning permission was granted only on the condition that improvements must be made to the opening of the lane onto the High Street. The property has been built but no improvement has been made.
  - The current application provides detailed traffic movements for the period April 2006-March 2007. It would have been more appropriate to provide figures for

2012 as these would have shown minimal traffic movements connected with the site. Little if any business has been conducted at the site for the last 2 years. The claim that there would be a 30% reduction in traffic movements is therefore inaccurate.

- This aside, there are no objections to the single dwelling applied for, but the application should not set a precedent for further or different applications for the site.

## **Material Planning Considerations**

### ***Principle of development in the Green Belt***

20. The site lies outside the defined village framework for Harston and within the countryside and Green Belt.
21. Policy DP/7 of the 2007 Local Development Framework states that, outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside will be permitted. LDF Policy GB/1 contains a presumption against inappropriate development in the Green Belt, as defined within PPG2: Green Belts. PPG2 has since been superseded by the National Planning Policy Framework. This states that the construction of new buildings is inappropriate in the Green Belt unless it comprises: the replacement of a new building that is in the same use and not materially larger than the one it replaces; or the redevelopment of previously developed sites (brownfield land) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it. The erection of a new dwelling on the site would be contrary to LDF Policy DP/7 and classed as inappropriate development in the Green Belt, and the application has therefore been treated and advertised as a Departure from the Development Plan.
22. The guidance in the NPPF makes it clear that inappropriate development is, by definition, harmful to the Green Belt and it is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other material considerations.
23. It is therefore next necessary to consider whether the development results in any additional harm.

### ***Visual impact and openness of the Green Belt***

24. The site is set some distance off the High Street, to the rear of existing dwellings that are accessed off Sheepshead Lane. It is enclosed on three sides by mature trees and hedges and is therefore relatively well concealed in the landscape, although the western side boundary is relatively open providing views of the open fields beyond. The existing use/buildings on the site are low in scale but sprawling, and consists of a combination of single-storey buildings, open storage of materials and caravan storage.
25. The proposed dwelling would be a largely single-storey property, of contemporary design, incorporating a sunken driveway running to a lower level garage and a basement level to provide additional accommodation. The design incorporates a range of interlocking building sections, of varying heights, set in a curved form and contained under a number of gently sloping and curved roofs with varying eaves heights that wrap over the building. External materials comprise timber horizontal

cladding with contrasting render panels for the walls, and green sedum and photovoltaic cells for the main roofs. The property would be located at the southern end of the site, in the approximate area of the existing outbuildings but slightly further to the north of the access point, thereby opening up views of the countryside beyond. Given that the dwelling would be predominantly single-storey above ground level, that its footprint would be comparable to those of existing structures, the development is not considered to result in harm to the rural character of the area or to the openness of the Green Belt.

### ***Highway safety impacts***

26. The site is accessed via Sheepshead Lane which presently serves 8 dwellings and the existing commercial site. The application has been accompanied by a Transport Statement. This explains that the junction of Sheepshead Lane with the High Street is close to the southern point of access to the adjacent petrol filling station. Activity figures for April 2006 – March 2007 are provided showing an average of 20 two-way vehicle movements per day, with a high proportion of these movements being by HGV's. It is estimated the dwelling would result in 6 two-way movements per day. As such, the TS states that the development would reduce the number of movements that the lawful use of the site has the potential to generate as well as resulting in the complete cessation of HGV traffic.
27. The Parish Council has recommended approval of the application but only subject to the proviso that safety improvements be carried out at the junction of Sheepshead Lane and Harston High Street.
28. The junction referred to by the Parish Council emerges onto the High Street directly adjacent to the southern access into the petrol filling station. The Local Highways Authority has been consulted on the proposal and has advised that no significant adverse effect upon the public highway would result from the proposal and that it would not request any highway works to be carried out as referred to within the Transport Statement.
29. Whilst it is accepted that there are problems with the existing junction, highways improvements can only be required if the Highways Authority considers that the highway safety implications of a proposal are such that, without the improvements, the proposal would be unacceptable. In this instance, it appears from a number of comments received that the business has been run on a low-key basis for the last couple of years and that there have therefore been a relatively low number of traffic movements associated with the use. However, the application needs to be considered on the basis of the traffic/level of activity that the existing lawful use (for manufacture of paving slabs and caravan storage) has the potential to generate. The Transport Statement, which provides historic figures at a time when the use was much busier than today, gives a more realistic indication of the likely traffic generation if, for instance, the site was sold on and operated by another company. It is clear that the number of movements associated with one dwelling would be much lower than could be generated by the lawful use of the site, whilst there would also be a difference in the type of movements (ie – cars rather than HGV's).
30. The proposal would represent an improvement in the existing situation. The cessation of the existing use and erection of one dwelling on the site would reduce conflict at the junction of Sheepshead Lane with the highway, and, hence, be beneficial from a highway safety perspective. Given this situation, highways improvements could not therefore be justified if planning permission were to be granted for the proposal.

### ***Residential amenity impacts***

31. The site is sufficiently isolated from residential properties to ensure that the dwelling itself would not result in any harm to the amenities of occupiers of adjacent properties by reason of overlooking/overshadowing etc.
32. The Environmental Health Officer has raised no objections to the application subject to controls over the use of power-operated machinery during the construction period.
33. During pre-application discussions, the Environmental Health Officer advised that there was no record of any formal complaints having been received from nearby residents in respect of the current use of the site. However, given the locality of the site and nearby noise sensitive dwellings, the view was taken that the lawful use of the site has the potential to have an adverse impact upon the amenities of nearby residents, and that noise would realistically decrease if permission were granted for a single dwelling in place of the existing use.

### ***Very special circumstances***

34. The application argues that the level and type of vehicle movements associated with a single dwelling, as opposed to the established commercial use of the site, would benefit highway safety and the amenities of nearby residents, and that the removal of the existing commercial use would also be of benefit to the visual amenities of the area.
35. Whilst, as referred to in the preceding paragraphs, there is no record that the existing use is causing any problems from a highway safety or residential amenity perspective, both the Local Highways Authority and Environmental Health Officer acknowledge there would be gains from the cessation of the use and its replacement with a single dwelling on the site. By all accounts, the use is effectively being 'wound down' and has been operated on a very low-key basis for at least two years. However, it must be emphasised that, based on the lawful permitted use of the site and the large extent of land covered by that use, the site has the potential to generate a significant level of activity (eg – manufacture of paving slabs) and vehicle movements (both cars and HGV's). The existing use therefore represents a non-conforming use in a residential area and its cessation would benefit the amenities of surrounding residents and highway safety.
36. The NPPF states that new buildings may be acceptable if it comprises the partial or complete redevelopment of previously developed sites (brownfield land) that would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The land is classified as brownfield land (following the granting of the LDC in 2010) and, as concluded in this report, the development would not harm the openness of the Green Belt. In summary, taking into account a combination of the benefits of the cessation of the existing use (to highway safety and the amenities of adjacent residents), the guidance in the NPPF relating to the redevelopment of existing brownfield sites, and the scale/design of the proposed dwelling, it is considered that these constitute the very special circumstances required to support the application.

### ***Developer contributions/S106 Agreement***

37. The proposal would result in the need for a financial contribution towards the provision and maintenance of open space, in accordance with the requirements of Policies DP/4 and SF/10 of the Local Development Framework. Based on the

proposed four-bedroom dwelling, this amounts to £4,258.90. It would also result in the need for contributions towards the provision of indoor community facilities (£703.84), and household waste receptacles (£69.50), together with additional costs relating to Section 106 monitoring (£50) and legal fees (minimum £400). The applicant has submitted a completed Heads of Terms confirming agreement to these payments, and the Section 106 agreement required to secure these payments is presently being drafted.

### **Recommendation**

38. Subject to the prior signing of a Section 106 Agreement to secure the required contributions, delegated powers are sought to approve the application 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: PL011, PL012, PL013, PL014, PL015 and PL016  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
  3. The materials to be used for the development, hereby permitted, shall accord with the specification in the application form and approved plans, unless otherwise approved in writing by the Local Planning Authority.  
(Reason – To ensure the appearance of the development is satisfactory, in accordance with Policy DP/2 of the adopted South Cambridgeshire 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 in accordance with the approved details before the commencement of and shall be retained in accordance with the approved details thereafter.  
(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 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.)
  6. 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.)

7. During the period of construction and demolition, 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 or Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.

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

8. No development approved by this permission shall be commenced until:

- a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
- b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
- c) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
- d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by 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).

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

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Supplementary Planning Documents: Open Space in New Developments, District Design Guide



- National Planning Policy Framework 2012
- Circular 11/95
- Planning File References: S/2545/12/FL, S/1905/11, S/0924/10/LDC, S/1518/75/F, S/1168/75/F, S/0672/75/F

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Appendix 1