

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 September 2013

AUTHOR/S: Planning and New Communities Director

S/1529/13/FL- MILTON

**Two Replacement Dwellings and Associated Works at The Black House, Chesterton
Fen Road for The FG Seal and Mark Seal Trust**

Recommendation: Approval

Date for Determination: 17 September 2013

Notes:

This Application has been reported to the Planning Committee for determination because the officer recommendation conflicts with the recommendation of Fen Ditton Parish Council.

To be presented to the Committee by Karen Pell-Coggins

Site and Proposal

1. The site is located outside the Milton village framework and within the Green Belt and countryside. The Black House is a detached, two-storey, back weatherboard and slate house that comprises two, two bedroom dwellings. It is situated within a large plot adjacent to the River Cam with access via a long single track driveway off Chesterton Fen Road. The site lies within flood zone 3a (high risk). A public footpath aligns the south eastern boundary of the site alongside the River Cam. The Fen Ditton conservation area lies on the opposite side of the river. The River Cam is a County Wildlife Site. There are a number of mature trees on the site.
2. The proposal seeks the erection of an apartment block that comprises two, two bedroom dwellings. The building would be sited approximately 12.5 metres further north west than The Black House. It would have a pitched roof design and measure 11 metres in length (including the roof overhang), 7.8 metres in width, and have a height of 4.1 metres to the eaves and 7.6 metres to the ridge. The materials of construction would be black timber weatherboarding for the walls slate grey clay plain tiles for the roof. Three apple trees and one Ash tree would be removed to allow for the development. The Black House would be demolished following the erection of the new apartment block.

Planning History

3. **Site**
S/1412/12/FL - Two Replacement Dwellings - Refused
S/0164/00/O - Bungalow and Garage (Renewal of Time Limited Consent S/0073/97/O) – Approved
S/0073/97/O - Bungalow and Garage (Renewal of Time Limited Consent S/1937/93/O) - Approved

S/1937/93/O - Bungalow and Garage (Renewal of Time Limited Consent S/0171/91/O) - Approved
S/0171/91/O - Bungalow and Garage (Renewal of Time Limited Consent S/2474/87) - Approved
S/1392/90/O - Bungalow and Garage - Approved
S/2474/87/O - Two Bungalows - Appeal Allowed
S/0571/78/O - Erection of Dwelling to Replace Existing - Refused

4. **Adjacent Site**
S/2589/03/F - Dwelling - Refused
S/0163/00/O - Bungalow and Garage (Renewal of Time Limited Consent S/0072/97/O) - Approved
S/0072/97/O - Bungalow and Garage (Renewal of Time Limited Consent S/1936/93/O) - Approved
S/1936/93/O - Bungalow and Garage (Renewal of Time Limited Consent S/01392/90/O) - Approved

Planning Policy

5. **South Cambridgeshire Local Development Framework (LDF) Core Strategy**
DPD, adopted January 2007
ST/1 Green Belt
6. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies DPD, adopted January 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/2 Housing Mix
HG/3 Affordable Housing
HG/7 Replacement Dwellings in the Countryside
CH/5 Conservation Areas
NE/1 Energy Efficiency
NE/6 Biodiversity
NE/7 Sites of Biodiversity or Geological Importance
NE/11 Flood Risk
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
7. **Proposed Submission Local Plan (July 2013)**
S/4 Cambridge Green Belt
S/7 Development Frameworks
HQ/1 Design Principles
H/8 Housing Mix
H/9 Affordable Housing
H/13 Replacement Dwellings in the Countryside
NH/4 Biodiversity
NH/5 Sites of Biodiversity or Geological Importance

NH/8 Mitigating the Impact of Development In and Adjoining the Green Belt
NH/14 Heritage Assets
CC/9 Managing Flood Risk
SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision

8. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
Open Space in New Developments SPD - Adopted January 2009
Biodiversity SPD - Adopted July 2009
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
District Design Guide SPD - Adopted March 2010

Consultation by South Cambridgeshire District Council as Local Planning Authority

9. **Milton Parish Council** – Makes no recommendation has the following comments: -
“A time limit should be set for demolition of existing house once new building is completed”.
10. **Fen Ditton Parish Council** – Recommends refusal and has the following comments:
-
“There appears to be inconsistency between the arboricultural report and design and access statement on the number of trees to be felled; one states 7, the other 3. The PC needs assurance that felling is at a minimum and any trees replaced. The exterior design is not in keeping with an important river frontage.”
11. **Local Highway Authority** – Comments that the development would not have a significant adverse effect upon the public highway.
12. **Trees and Landscapes Officer** – Has no objections to the proposal and comments that the trees are not afforded any statutory protection and are considered domestic with minimal wider significant amenity.
13. **Landscape Design Officer** – Has no objections and requests conditions in relation to hard and soft landscaping works, details of tree and hedge protection measures, surface water drainage, construction works and compound, waste provision, cycle storage, foul water drainage, utilities, bat boxes, bird boxes, and log piles.
14. **Ecology Officer** – Has no objections and comments that the application is supported by a bat survey that concluded no significant bat roosts are present although some soprano pipistrelle bats have been observed. Requests a condition that states the works should be carried out in accordance with the details within the submitted report. Also states that an appropriate license is required to allow lawful development of the site. Further comments that there is a natural pond present on the site in a partially dry state. Requests a condition to ensure that the pond is restored.
15. **Environment Agency** – Comments are awaited. (Commented in relation to the previous application that whilst ground floor sleeping accommodation is not normally appropriate in flood zone 3, the submitted flood risk assessment demonstrates that the future occupants would be safe even during a 1 in 1000 year flood event and could safely evacuate the site if necessary. Required conditions to be attached to any consent in relation to the development being carried out in accordance with the

submitted flood risk assessment and details of foul drainage to be agreed. Also requested various informatives.)

16. **Contaminated Land Officer** – Comments that the site is a former brickworks and includes areas of filled land. Recommends a condition in relation to a detailed scheme for the investigation and recording of contamination.
17. **Environmental Health Officer** – No reply (out of time).
18. **Rights of Way and Access Team** – Comments that Public Footpath No. 1, Milton is located adjacent to the south eastern boundary of the site along the River Cam but has no objections as it is unlikely to be affected by the development. Requests informatives in relation to point of law with regards to the footpath.
19. **Council Tax** – The main house and the annexe have been liable for separate council tax since at least 2001 and possibly from an earlier date.
20. **Election Team** – The Black House has been occupied by Mark Seal since 2009 and The Annexe to The Black House has been occupied by Laura Kohler since 2011 and previously by Simon Hayes from 2008 to 2011.

Representations by members of the public

21. None received.

Material Planning Considerations

22. The key issues to consider in the determination of this application are whether the development would represent appropriate development in the Green Belt in policy terms; whether the development would result in any harm in terms of the impact upon the character and appearance of the Green Belt/countryside, flood risk, neighbour amenity, highway safety, trees and landscaping, and biodiversity; and whether there are any very special circumstances that would outweigh any harm through inappropriateness of other harm identified.

Principle of Development in the Green Belt

23. Paragraph 89 of the National Planning Policy Framework 2012 states that new buildings are inappropriate in the Green Belt with the exception of the replacement of a building providing the new building is in the same use and not materially larger than the one it replaces.
24. Policy HG/7 of the Local Development Framework supports one-for-one replacement dwellings in the countryside subject to the requirements of the General Permitted Development Order (i.e. a maximum enlargement of 15% of volume) and the need to provide satisfactory internal layout and amenities, where it can be shown that the use of a dwelling has not been abandoned; the proposed replacement dwelling is in scale with the dwelling it is intended to replace and is in character with its surroundings; and the proposed replacement dwelling would not materially increase the impact of the site on the surrounding countryside.
25. The existing building on the site comprises two dwellings. Although it is in a poor state of repair, it is currently occupied and the use has not been abandoned. The proposed building would contain two dwellings. The residential use of the existing and

new buildings would therefore remain the same. All existing consents that have been granted on the site have not been implemented and have expired.

26. The existing building has a footprint of approximately 100 square metres and a height of 6.4 metres to the eaves and 8.9 metres to the ridge. The proposed building would have a footprint of approximately 75 square metres and a height of 4.1 metres to the eaves and 7.6 metres to the ridge. The scale of the building is similar to the existing building and not therefore materially larger than the building it would replace.
27. The erection of two replacement dwellings of the scale proposed is not therefore considered to represent inappropriate development that is, by definition, harmful to the Green Belt and countryside in policy terms.

Other Harm

Character and Appearance of the Green Belt/Countryside and Setting of the Conservation Area

28. Given that the scale of the building would be similar to the existing, the proposal is not considered to result in a visually intrusive development that would adversely affect the openness and rural character and appearance of the Green Belt/countryside.
29. The building would be less prominent in views from the public footpath and conservation area than the existing building as a result of its revised siting approximately 12 metres further north west.
30. Although it is acknowledged that the building would have a different character to the existing building, it is considered appropriate given the unique position of the plot adjacent to the river. The design of the building would take features from the existing building such as its simple plan form and traditional materials. However, it would have north west/south east orientation and a contemporary design and with a gable frontage with an overhang that would reflect that of a boathouse facing the river.

Flood Risk

31. The site lies within Flood Zone 3 (high risk). The existing building is situated within 20 metres of the River Cam and has a basement, although not comprising living accommodation. The new building would be sited 12 metres further away from the river and have floor levels of 5.585 metres, which would be 600mm above the 1 in 100 year flood level with allowance for climate change and 150mm above the 1 in 1000 year flood level. Materials would be flood resistant to at least 600mm above finished floor levels. Flood storage compensation will be provided in the form of a new flood storage area within an area of lower ground between the bank and the higher ground levels to the north west of the existing building. The Flood Risk Assessment submitted with the application therefore demonstrates that the proposal would not result in an increase in flooding to the site and surrounding area providing the mitigation measures identified are subject to a condition of any consent.

Biodiversity

32. The demolition of the existing building is not considered to result in the loss of an important wildlife habitat providing a condition is attached to any consent to ensure that the works are carried out in accordance with the details within the submitted report.

Trees and Landscaping

33. The proposal would not result in the loss of any important trees on the site that make a significant contribution to the visual amenity of the area. The trees to be removed are considered of poor quality. The existing trees to be retained would be protected. A landscaping condition would be attached to any consent to agree additional planting to mitigate for the lost trees and soften the impact of the development.

Neighbour Amenity

34. The development would not adversely affect the amenities of neighbour at No. 30 Newfields through being unduly overbearing in mass, through a loss of light, or through overlooking leading to a loss of privacy. The building would be positioned a distance of 20 metres way and orientated to the south east with the nearest window a distance of 19 metres away with an oblique angle of view towards that property. This relationship is considered acceptable.

Highway Safety

35. The proposal would not result in an increase in the amount of traffic generated from the site as the existing number of dwellings would remain. Parking and turning would remain as existing. The development is not therefore considered to be detrimental to highway safety.
36. Whilst the access road is narrow, there is adequate space for construction vehicles to enter, park, turn and leave the site in forward gear. Any damage to the private access road is a civil matter between the owners.

Contamination

37. The development would not result in ground water contamination or contamination that would be a threat to human health providing a condition is attached to any consent to ensure that an investigation is carried out and any remediation measures required are implemented.

Housing Mix and Affordable Housing

38. Whilst it is noted that that a range of housing types and sizes would not be provided within the development, two x 2 bedroom properties is considered acceptable given the greater need for smaller units of accommodation across the district.
39. The development would not result in any net increase in the number of dwellings on the site. The provision of an affordable dwelling on the site is not therefore applicable in this case.

Developer Contributions

40. Contributions are not required towards open space, community facilities, and waste receptacles given that the development would not increase the number of size of the existing dwellings on the site.

Public Footpath

41. The proposal would not affect the public footpath adjacent to the site. Informatives with regards to points of law in relation to the footpath will be added to any consent.

Demolition of Existing Building

42. A condition would be attached to any consent to set a time limit for the demolition of the existing building.

Very Special Circumstances

43. Given that the proposal is not considered to represent inappropriate development in the Green Belt in policy terms, the need for the demonstration of very special circumstances is not applicable in this case. The harm identified in terms of the impact upon biodiversity cannot be addressed unless further work is carried out.

Conclusion

44. 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 not be granted in this instance.

Recommendation

45. It is recommended that the Planning Committee approve the application subject to the following conditions and informatives:-

Conditions

- (a) 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.)
- b) The development hereby permitted shall be carried out in accordance with the following approved plans: - Drawing numbers 1232-02, 357 003 Revision C, 357 004 Revision A, 357-005, 357 006, 357 007 Revision A, and 357 008.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
- c) 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.)
- d) No windows, doors or openings of any kind shall be constructed at and above first floor level in the north elevation/roof slope of the building unless the windows are (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the

window is installed; or 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.)

- e) 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.)

- f) 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 the development, hereby permitted, 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.)

- g) During the period of demolition and construction, no construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken or despatched from 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.

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

- h) No development approved by this permission shall be commenced until:
 - i) 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.
 - ii) 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.
 - iii) 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.
 - iv) 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).

- i) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref 1232/12 – FRA March 2012 compiled by Michael Thomas Consultancy LLP and the following mitigation measures detailed within the FRA:

- i) Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the existing site and not increase the risk of flooding off-site.

- ii) Provision of flood storage to the south east of the proposed new dwelling as identified on drawing 1232-02, which shall remain sterile for the lifetime of the development including any buildings, fencing, walls and/or ground raising.

- iii) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

- iv) Finished floor levels are set no lower than 5.58m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

(Reason-

- i) To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.*

- ii) To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.*

- iii) To ensure safe access and egress from and to the site.*

- iv) To reduce the risk of flooding to the proposed development and future occupants.*

in accordance with Policy NE/11 of the adopted Local Development Framework 2007.)

- j) 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.)

- k) The development shall be carried out in accordance with the details contained within the report "Stage 2 Bat Emergence/Re-entry survey of Black House, Fen Road, Chesterton, Cambridge" by Cambridge Ecology dated July 2013. Any variation to the detail working procedures shall be first agreed in writing by the Local Planning Authority.

(Reason – To ensure that bat conservation measures are suitably implemented at the site and to ensure that up-to-date survey information is gained immediately prior to any works commencing in accordance with Policy NE/6 of the adopted Local Development Framework 2007.)

- l) No development shall take place until a scheme of ecological enhancement for the existing pond has been submitted to and approved in writing by the Local Planning Authority. The scheme 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.

(Reason - To enhance ecological interests in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

- m) No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.

(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)

- n) The dwellings, hereby permitted shall not be occupied until the existing building known as 'The Black House' has been demolished.

(Reason – To safeguard the openness and rural character and appearance of the Green Belt in accordance with Policy GB/1 of the adopted Local Development Framework 2007.)

Informatives

- (a) During demolition and 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.
- (b) Before the existing property is demolished, a Demolition Notice will be required from the Building Control section of the Council establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation.
- (c) Should pile driven foundations be proposed, then before works commence a statement of the method for construction of these foundations shall be submitted to the District Environmental Health Officer so that noise and vibration can be controlled.
- (d) Although the FRA is acceptable for the development proposals, at this stage it is unclear why the storage area is being provided as the new footprint is less than the original. As far as we are concerned levels at the original position need only be returned to surrounding ground levels. It would also be prudent to place a floodplain contour on the topographical survey so that we only need to remove the permitted development rights below this line.
- (e) Under the terms of the Water Resources Act 1991, and the Land Drainage and Sea Defence byelaws, prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 9 metres of the top of the bank/foreshore of the River Cam, designated a 'main river'.
- (f) The flood defence consent will control works in, over, under or adjacent to main rivers (including any culverting). The consent application must demonstrate that:
 - i) there is no increase in flood risk either upstream or downstream
 - ii) access to the main river network and sea/tidal defences for maintenance and improvement is not prejudiced.
 - iii) works are carried out in such a way as to avoid unnecessary environmental damage.

Mitigation is likely to be required to control:
iv) off site flood risk

- (g) 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.
- (h) 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.
- i) A 'non mains' foul water drainage system may require the prior written Consent of the Agency under the term of the Water Resources Act 1991. Such consent may not be forthcoming. This would ultimately be decided by the Agency's National Permitting Team. You can download the application form from our website or our National Customer Contact Centre can send you one. The contact number is 0370 850 6506 (Monday–Friday, 8am–6pm).
- j) Public footpath 1 Milton runs along the south-western boundary of the development site.
- i) Public footpath no 1 Milton must remain open and unobstructed at all times. Building materials must not be stored on this section of the footpath, contractors' vehicles must not be parked on it and (it is an offence under s 137 of the Highways Act 1980 to obstruct a public footpath).
- ii) Public footpath no 1 Milton must not be used for access to the site unless the applicant is sure they have lawful authority to do so (it is an offence under s 34 of the Road Traffic Act 1988 to drive on a public footpath without lawful authority).
- iii) No alteration to footpath no 1 Milton surface is permitted without our consent (it is an offence to damage the surface of a public footpath under s 1 of the Criminal Damage Act 1971).
- iv) Landowners are reminded that 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 (s154 Highways Act 1980).
- v) 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 Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- Planning File References S/1529/13/FL, S/1412/12/FL,

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