

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 July 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/0857/14/FL
Parish(es):	Fulbourn
Proposal:	Erection of three dwellinghouses and associated infrastructure and works.
Site address:	16-18 Teversham Road, Fulbourn
Applicant(s):	R&T Hogger Builders Ltd
Recommendation:	Delegated authority for officers to approve subject to completion of a S106 legal agreement securing contributions towards public open space, community facilities, waste receptacles and monitoring and legal fees.
Key material considerations:	Principle of development; Character and Appearance; Residential Amenity; Highway Safety; Affordable Housing Contributions; Foul and Surface Water Drainage and Other Considerations
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Andrew Fillmore
Application brought to Committee because:	The officer recommendation is contrary to the views of the Parish Council
Date by which decision due:	9 June 2014

Planning History

1. S/2747/13/FL. Erection of six dwellinghouses and associated infrastructure and works. Refused.
2. S/2024/12/FL. Erection of two dwellings following demolition of existing bungalow. Approved.
3. S/1207/11. Planning permission refused for a scheme for 4 dwellings on the site. An appeal against the refusal was dismissed on the grounds of the adverse

impact the development would have on the character and appearance of the area and the living conditions of the neighbouring residents

Planning Policies

4. *National*

National Planning Policy Framework

5. *South Cambridgeshire LDF Core Strategy DPD, 2007*

ST/4 Rural Centres

6. *Adopted Local Development Framework, Development Control Policies*

DP/1 Sustainable Development

DP/2 Design of New Development

DP/3 Development Criteria

DP/7 Development Frameworks

HG/1 Housing Density

HG/2 Housing Mix

NE/6 Biodiversity

NE/15 Noise Pollution

SF/10 – Outdoor Play Space, Informal Open Space and New Developments

SF/11 – Open Space Standards

TR/2 - Car and Cycle Parking Standards

7. *Draft Local Plan*

S/5 Provision of new jobs and homes

S/11 Infill Villages

HQ/1 Design Principles

H/7 Housing Density

H/8 Housing Mix

H/9 Affordable Housing

H/11 Residential Space Standards for Market Housing

NH/4 Biodiversity

TI/2 Planning for Sustainable Transport

TI/3 Parking Provision

8. *Supplementary Planning Document(s)*

District Design Guide SPD – adopted 2010

Consultations

9. **Fulbourn Parish Council** – Recommend refusal. Although Januarys have rebutted some of our earlier thoughts on this application, several issues of concern remain and have not been allayed.

10. Attention is drawn to application S/1207/11 (this has been going on for over 3 years) for four houses on the site, and particularly for reasons 1 & 5 of the refusal document. The situation has not changed materially. Although this application is for 3 units, the total number of bedrooms (10) is the same as that application, and

therefore the concerns regarding infrastructure, drainage etc remain exactly the same.

11. The reports and surveys which were submitted with the most recent application have been rehashed for this application, with the front covers re-dated, but the rest remaining as before (still dated July 2013, and with reference to unit 5 etc). The reports on the flood risk and foul water drainage were unsatisfactory then, and remain so. We find the persistence in referring to evidence of inundation as anecdotal patronising, and completely wrong. The developer has not requested an impact assessment from Anglia Water, and the comments made are purely speculative. It uses phrases such as 'Anglia Water hasn't said it isn't...etc, which are meaningless and negative.
12. We still remain deeply sceptical regarding the 3.5m access to the rear units, and would need to see a fire appliance enter and turn satisfactorily before believing it possible.
13. Given the refusal of all applications other than the one for two units facing Teversham Road, we strongly feel that this should also be refused.
14. **Local Highways Authority** – The visibility splays are acceptable. Recommend a condition requiring the splays to be provided and maintained free from obstruction exceeding 0.6m above the level of the adjacent highway.
15. **Anglian Water** – Wastewater Treatment: Foul drainage from the development is in the catchment of Teversham Water Recycling Centre (formerly Sewage Treatment Works) that will have capacity for these flows.
16. Foul Sewage Network: The sewage system at present has available capacity for these flows.
17. **Environmental Health (Contamination)** – The site is adjacent land which has been in industrial use. Recommend a condition requiring a scheme for the recording and remediation of contamination.

Representations

18. Three letters of representation have been received from neighbouring residents opposing the application.
19. The first letter cites the following six reasons why the development is inappropriate: the previous application for four dwellings was rejected by the independent inspector on 3 main issues which the current application does not address and in fact exacerbates these, the independent review undertaken by South Cambs Strategic Housing Land Availability Assessment concluded 'the site is not potentially capable of providing residential development taking account of site factors and constraints', the report commissioned by the builder is biased and incorrect in many assertions, there is documented evidence of long-standing problems of drainage, there is documented evidence of serious raw sewage overflow to the gardens at the rear of 18 Teversham Road, and due to drainage problems and potential of sewage overflow at the boundary barrier restraints have had to be put in place.
20. The second letter expresses concerns over localised flooding and drainage problems being exacerbated by the development.

21. The third representation expresses a view that there has been no attempt by the developer to rectify the foul water drainage concerns, with the foul water network unable to cope with additional demand. Localised flooding has also been an issue. There are numerous inaccuracies in the supporting statements accompanying the application. The high pitch roofs of the buildings leads to the possibility of loft conversions in future. Will result in the loss of amenity as identified in the previous appeal decision. Insufficient parking provision and turning areas are proposed.

Planning Comments

22. The application site comprises a vacant plot (formerly housing a bungalow to the front) which extends to the rear of no.16 Teversham Road, along with land which forms part of the rear garden of no 18 Teversham Road. There is a ditch extending across the front of the site with a bridged vehicle access across it. The site is open (with the exception of temporary fencing) to the front and enclosed by a mixture of hedging and fencing to the sides. The property (No. 14) to the South East of the site is a two storey detached dwelling, while the property (No. 18) on the North West side is a bungalow similar in scale and character to the bungalow which previously occupied the site.
23. The application proposal seeks full planning consent for the erection of three dwellings (net gain of 2 units), comprising a single two storey property to the front along with two bungalows to the rear.
24. The site is to be accessed from Teversham Road to the south via a new bridge.
25. The site lies within the village framework as defined by the Local Development Framework (LDF) inset map for Fulbourn, whilst the settlement is identified as a 'Rural Centre' in the LDF Core Strategy.

The principle of development on this site

26. The NPPF advises that every effort should be made to identify and then meet the housing needs of an area, and respond positively to wider opportunities for growth. Additionally the Development Plan (Core Strategy Development Plan Document adopted January 2007 and Development Control Policies Development Plan adopted January 2007) identifies Fulbourn as a 'Rural Centre' which is described as a village which has good access to a secondary school, employment opportunities, food shops, surgery and good public transport services and where new residential development of an unspecified number of dwellings is permitted.
27. The emerging Local Plan seeks to reclassify Fulbourn as a Minor Rural Centre on the settlement hierarchy, and whilst this 'downgrading' considers the village less sustainable, new residential development up to a maximum of 30 dwellings is permitted in such locations.
28. Moreover the application site lies within the Development Framework as defined by the Local Development Framework adopted Proposals Map where the principle of residential development is considered acceptable under Development Control Policy DP/7, subject to other land use consideration.
29. The site was rejected for housing provision for 9 dwellings as part of the Strategic Housing Land Availability Assessment. However this assessment did not take into

account the supporting technical documentation which accompany this application, and the principle of residential development is consistent with the development plan.

Character and Appearance

Unit 1

30. The site has been subject to three previous applications of note, with planning reference S/2024/12/FL granting consent for the construction of two dwellings alongside one another positioned to the front. This permission is still extant. Unit 1 of the current application is similar in scale, siting and design to one of these approved dwellings, and as such officers are of the view unit 1 is an appropriately designed building within the street scene.

Units 2 and 3

31. Application S/1207/11 sought consent for 4 houses (1 unit positioned to the front with 3 to the rear) following demolition of the bungalow. This application was refused with the subsequent appeal dismissed.
32. In the appeal decision the Inspector described the development to the northeast side of Teversham Road as more loosely grained (when compared to development to the opposite side of the road) and tending to convey the impression of a ribbon of housing extending from village towards open countryside. The Inspector went on to describe the townscape as benefitting from an almost semi-rural character, which is distinguished from the higher density development to the southwest, and considered the site visually separate from the commercial premises to the rear given the screening provided by trees and vegetation.
33. Officers are of the view this description, written in January 2012, remains an accurate portrayal of the site and surroundings.
34. In dismissing the appeal the Inspector concluded the scheme (for 3 houses to the rear and 1 to the front) amounted to a small enclave of higher density housing that would be out of keeping with the more loose-grained character of the immediate locality and would be inappropriate to its context. The appeal decision concludes the scheme would harm the character and appearance of the area.
35. The proposed development differs to the scheme dismissed at appeal, in that the number of units to the rear of the site has been reduced from three to two, and more importantly these buildings are of single storey height (as opposed to two storey). As such given both dwellings 4.95m ridge height, screening achieved by the layout with the bungalows set behind the development to the roadside, and the extent of landscaping no harm is identified to the character and appearance of the built environment.

Residential Amenity

36. Policy DP/3 requires amongst other things that planning permission will not be granted where the proposal would have an unacceptable impact on residential amenity.

37. The Inspector in dismissing the appeal for planning reference S/1207/11 (3 dwellings to the rear and 1 to the front) states 'given the number of units involved and their comparatively tight knit arrangement, the proposal would inevitably lead to a significant increase in residential activity here, which would intrude on the relatively tranquil, secluded setting of the neighbouring properties' and concludes the development would impact on the seclusion of neighbouring residents to an extent that it would unacceptably harm their living conditions.
38. As already noted the built environment surrounding the site remains largely unchanged since the appeal decision. However it is considered a reduction in the number of units to two, with a consequent decrease in parking and manoeuvring of vehicles along with a more spacious layout, satisfactory addresses this consideration.
39. Concerns relating to loss of outlook are addressed satisfactory given the dwellings (to the rear) single storey height and relationship to neighbouring properties. Furthermore no material overlooking issues are identified. It is however necessary to condition the first floor windows (all serving bathrooms) to the side elevations of the dwelling (unit 1) be fitted with obscure glazing.

Highway Safety

40. The proposal would involve replacement of the existing bridge providing vehicular access off Teversham Road with one which is to the satisfaction of the local highways authority. Appropriate visibility splays can be achieved and a condition is recommended requiring these be provided and maintained free from obstruction.
41. Each dwelling would be provided with adequate car parking space as per adopted policy. In addition the access would allow vehicles to turn adequately and exit the site within a forward gear.

Affordable Housing Contribution

42. Planning applications are required to be determined in accordance with the development plan, unless material considerations indicate otherwise. The adopted development plan requires the provision of 40% affordable housing on sites where there is a net gain of two or more dwellings. This scheme seeks permission for a net gain of two residential units and does not propose any affordable dwellings, contrary to the requirements of adopted policy.
43. Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

44. The current development plan is proposed to be replaced by the emerging Local Plan, where draft policy H/9 relates to affordable housing and seeks to raise the threshold of affordable housing provision to sites of three or more dwellings.
45. The draft Local Plan has been submitted to the Planning Inspectorate for 'Examination in Public' and is therefore at an advanced stage in its preparation. In respect of unresolved objections four representations have been received on draft policy H/9, with three of these opposing the policy and the fourth supporting and offering comment. Notably all the representations consider the proposed threshold of three dwellings too low (and seek to raise this). No representations seek to maintain (or lower) the current threshold of two dwellings and as such there are no unresolved objections to this draft policy as far as it relates to this application.
46. Turning to the consistency of the relevant plan with the NPPF. Although no detailed advice is provided on the threshold of affordable housing provision within the NPPF, it advises local planning authorities to approach decision-taking in a positive way to foster the delivery of sustainable development, and look for solutions and to approve applications for sustainable development where possible.
47. For these reasons officers are of the view that sufficient weight can be attributed to draft policy H/9 of the emerging Local Plan that approval of the application without affordable housing contributions would be acceptable in planning terms, assisting the delivery of a small housing site that would otherwise not come forward in the short term.

Foul and surface water drainage

48. All three letters of representation from neighbouring residents along with the Parish Council express concern over the impact the development will have on foul and surface water drainage and particular the ability of Teversham Wastewater Treatment Works to cope with the additional demand.
49. Foul drainage is proposed to be disposed of via mains sewer, with Anglian Water advising there is sufficient capacity to cope with the additional demand generated by this development.
50. In terms of surface water drainage, the development will result in an increase in impermeable surfaces potentially increasing run-off. In mitigation the applicants are proposing to manage surface water at source through a combination of infiltration and/or below ground detention features with controlled release run-off along with the use of sustainable drainage systems which will restrict post development run-off to those generated by pre-development levels. No specific details of these features are provided and it is necessary to condition a surface water management plan for the site.

Other Considerations

51. The applicant is prepared to pay the councils contributions in respect of open space provision, community facilities and waste receptacles, along with associated fees. This can be secured through a S106 legal agreement.
52. No specific concerns are raised with regards to Crime and Disorder.

53. The Environmental Health officer notes the sites location in proximity to an industrial use and recommends appending a condition requiring investigation and recording of contamination along with appropriate remediation objectives.

Conclusions

54. It is considered that the development can be adequately accommodated on the site in harmony with the surrounding area without causing harm to neighbouring amenity in terms of overshadowing or loss of privacy. The Highways Authority is satisfied that the provision of a new access is suitable subject to a condition.
55. The lack of affordable provision, contrary to the requirements of adopted policy, is justified on the basis of the stage of preparation of the emerging Local Plan, lack of unresolved objections to draft policy H/9 and thrust of the NPPF which seeks to support the delivery of sustainable development.
56. The proposal therefore complies with the provisions of the development plan and national planning policies contained within the NPPF and as such it is recommended that permission be granted for officers to approve the scheme subject to the completion of a S106 legal agreement securing contributions towards open space, community facilities, waste receptacles and monitoring and legal fees, and the conditions outlined below.

Recommendation

57. Delegated authority for officers to approve subject to completion of a S106 legal agreement securing contributions towards public open space, community facilities, waste receptacles and monitoring and legal fees, subject to the following conditions –
58. 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.)
59. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Location Plan OS01A', 'Site Plan P02B', 'Unit 1 P04B', 'Unit 2 P05B', 'Unit 3 P06B', 'Landscape Concept Plan' Drawing number '331-01D' and 'Site Access' Drawing number '010
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
60. 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).
61. Apart from any top hung vent, the proposed first floor windows in the side elevations of Unit 1 as identified on the plan 'SITE PLAN P02B' , hereby permitted, shall be fitted and permanently glazed with obscure glass. (Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
62. The visibility splays specified on approved drawing no. 010 'Site Access' at the junction of the access road with the public highway shall be provided before the commencement of the development. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway. (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
63. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority. (Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)
64. 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.)

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website or elsewhere at which copies can be inspected.

- Nation Planning Policy Framework
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- Local Development Framework, Development Control Policies, Adopted July 2007
<http://www.scams.gov.uk/content/local-development-framework>
- South Cambridgeshire Local Plan, Proposed Submission July 2013
<http://www.scams.gov.uk/localplan>

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