

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**REPORT TO:** Planning Committee

14 January 2015

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

<b>Application Number:</b>	S/2457/14/FL
<b>Parish:</b>	Castle Camps
<b>Proposal:</b>	Erection of dwelling and garage and change of use from agricultural land to garden land
<b>Site address:</b>	Land adjacent to East View, Castle Camps
<b>Applicant(s):</b>	Mr and Mrs C. O'Malley
<b>Recommendation:</b>	Delegated powers to approve
<b>Key material considerations:</b>	Principle inc. Affordable Housing Residential Amenity Impact on Countryside and Visual Amenity Parking and Highway Safety Contaminated land Community Infrastructure
<b>Committee Site Visit:</b>	No
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Dan Smith
<b>Application brought to Committee because:</b>	Parish Recommends Refusal
<b>Date by which decision due:</b>	10 December 2014

### **Executive Summary**

1. The application seeks permission for the erection of a dwelling and garage as well as the change of use of agricultural land outside the development framework to garden land. The Parish Council has objected to the application on the grounds of the impact of the development on the character of the area and the lack of affordable housing. One letter of support has been received from the owner/occupier of a neighbouring property. Another representation has been received requesting that in the event of permission being granted the land be fully cleared of all building materials and all waste is disposed of correctly. The dwelling is considered to be of an acceptable scale and design, relating closely to that of East View with sufficient separation between them that the impact on the countryside would be acceptable. The dwelling is also far enough from neighbouring properties that it would not harm neighbouring amenity. The dwelling is not required to be an affordable unit in accordance with emerging Local Plan policy, however it would be required to contribute to local infrastructure via a section 106 agreement. The concerns of the Local Highways Authority have been overcome and the dwelling would therefore have an acceptable on highway safety. The change of use of the agricultural land which is outside of the development framework to garden land is considered to be acceptable provided

permitted development rights for further development are removed and boundary treatments and a landscaping scheme are required by condition and the provision of the dwelling and gardens would also remove the builders yard use from the site which is considered to benefit the visual amenity of the area. Given the site's use as a builder's yard and other historic uses on the site, it is considered necessary to require a contamination and remediation assessment by condition. On that basis, the proposed development is considered to be acceptable and delegated powers are requested to approve the development once a s106 agreement has been completed.

### **Site and Surroundings**

2. The southern portion of application site is an area land to the rear of dwellings on Haverhill Road which is currently used as a storage yard for building materials with two detached structures located on it. The northern portion is an area of previously open land which has been subsumed into the garden of the dwelling to the North. The boundaries are relatively open and the site backs on to open countryside, although the area of land to the rear of the site was, in 2013, granted permission for a change of use to paddock with the erection of stables. The site is accessed off Haverhill Road via an access between The Bays and Broadways and currently serves the backland dwelling East View. The pattern of housing along the East side of Haverhill Road is primarily linear along the frontage, however there are two dwellings set behind others, Halings to the South and East View.

### **Proposal**

3. The proposed development is the erection of a dwelling and garage on the South Western portion of the site with a change of use of the Eastern portion of the site to residential garden.

### **Planning History**

4. **S/0200/14/FL** – Planning permission refused for the erection of a large two storey side extension on the grounds of the impact of the scale and massing of the extension on visual amenity of the area and the rural character of the countryside to the rear.
5. **S/2206/13/FL** – Planning permission refused for a new dwelling and garage and change of use of agricultural to garden land on grounds that the proposed dwelling (when considered together with the dwelling granted at East View) would have been required to be an affordable dwelling, impact on the countryside of the scale, massing and design of the dwelling, encroachment into the countryside by the proposed garden land and the impact of the additional dwelling on highway safety at the access onto Haverhill Road.
6. **S/1032/13/F** – Planning permission granted for the change of use of agricultural land directly behind (to the East of) the application site to paddock and the erection of two stable blocks.
7. **S/0945/07/F** – Planning permission granted for new dwelling and garage (East View).
8. **S/1265/77/EU** – Permission granted for the use of the Western portion of the site as a builders yard.

## **Planning Policies**

9. *National Planning Policy Framework*
10. *Local Development Framework Core Strategy*  
ST/6 Group Villages
11. *Local Development Framework Development Control Policies*
  - DP/1 Sustainable Development
  - DP/2 Design of New Development
  - DP/3 Development Criteria
  - DP/4 Infrastructure and New Developments
  - DP/5 Cumulative Development
  - DP/7 Development Frameworks
  - HG/1 Housing Density
  - HG/3 Affordable Housing
  - NE/15 Noise Pollution
  - SF/10 Outdoor Playspace, Informal Open Space, and New Developments
  - SF/11 Open Space Standards
  - TR/2 Car and Cycle Parking Standards
12. *Draft Local Plan Policies*
  - H/9 Affordable Housing
  - SC/6 Indoor Community Facilities
  - SC/7 Outdoor Play Space, Informal Open Space and New Developments

## **Consultations**

13. **Castle Camps Parish Council** has recommended refusal of the proposed development for the following reasons:
  - *“The parish council objected to the land becoming paddock with good reason as we knew it would produce a backdoor route for residential use”;*
  - *“This area of the village has changed beyond all recognition with too many large houses and no affordable housing”;*
  - *“The plan does not show all the extensive building works in the vicinity and is therefore incorrect”.*
14. **Local Highways Authority** initially recommended refusal as the application failed to show adequate visibility splays on the application drawings. These have since been provided by the agent and this overcomes the Local Highways Authority’s concerns. The LHA now recommends conditions be applied to any permission requiring the provision of an adequate width of access at the junction with Haverhill Road, the setting back of gates from the highway boundary, the provision of pedestrian visibility splays, surfacing and drainage of the access and the construction of the crossing.
15. **South Cambridgeshire District Council Environmental Health Officer** has no objection to the proposed development subject to a condition requiring the submission of a contaminated land investigation and remediation strategy.

## **Representations**

16. Two representations have been received from the owner/occupiers of neighbouring properties, the first supporting the application and the second requesting that any permission be granted subject to a requirement for the removal of all building

materials from the site, the disposal of all waste in an appropriate manner and the condition that no further buildings be erected on the paddock land to the rear of the site.

### Planning Comments

17. The main planning considerations in this case are the principle of the development, the impact on residential amenity, impact on the countryside and visual amenity, parking and highway safety, contamination and the impact on community infrastructure.
18. **Principle** - The western part of the application site, where the dwelling is proposed, is located within the Development Framework of Castle Camps which is designated as a Group Village where residential development of up to a maximum scheme size of 8 dwellings is acceptable under Core Strategy policy ST/6. The proposed development would result in one new dwelling and cumulatively two new dwellings on the wider site. Not including the shared access, the area of the application site which is within the development framework is approximately 660sqm which results in a density of approximately 15 dwellings per hectare. While this is well below the density of 30 dwellings per hectare required by policy HG/1, it is considered that the site is unsuitable for additional dwellings given the additional impact which would likely result on the residential amenity of neighbours, additional vehicle movements and parking demand and the constraints of the site in terms of its location on the edge of the open countryside.
19. The dwelling is not proposed as an affordable unit. Under policy HG/3 and DP/5 of the Local Development Framework, this would be expected to be an affordable dwelling because it is part of a wider site which has already had a single market dwelling approved, the emerging policy in the Draft Local Plan seeks to raise the threshold for the provision of affordable units to schemes of 3 dwellings or more. As there have been no objections to the raising of that threshold, the draft policy is given significant weight. On that basis, the cumulative development of the wider site for two dwellings is not considered to trigger the requirement for one of the units to be an affordable dwelling.
20. The change of use of the agricultural land on the Eastern part of the application site to residential garden would ordinarily be considered to be contrary to the stipulation of policy DP/7 that outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. However, material considerations in this case are considered to justify the change of use. In the light of the Waterbeach decisions, policy DP/7 is considered out of date and it is therefore appropriate to consider the impact of the change of use of the land, which facilitates the provision of the dwelling, in terms of sustainable development as defined by the NPPF and whether any adverse impacts of the change of use would significantly or demonstrably outweigh the benefit of the provision of a new dwelling. Given the dwellings location within the framework, the primary consideration in terms of the change of use to garden land is its impact on the landscape character of the area. While the change of use would result in the loss of agricultural land, conditions could be applied to the permission to ensure that the gardens remain open and future domestic outbuildings and boundary treatments restricted by condition. In addition, the granting of permission would allow the removal of the builders yard from the site, which would result in a significant enhancement of the site in and adjacent to the countryside which would outweigh the limited impact of a change of use of the agricultural land to an open garden use.

21. The proposed development is therefore considered acceptable in principle, subject to other material planning considerations.
22. **Residential Amenity** – The proposed dwelling would be located in line with the gable end of the neighbouring dwelling to the North and it is not considered that it would have any significant impact on the amenity of its occupants in terms of loss of light visual intrusion or overshadowing.
23. The erection of an enlarged garage block would create a relatively large building very close to the rear boundary of Broadways, however this is not considered to be unduly overbearing, visually intrusive or result in any significant loss of light to the neighbouring garden or dwelling as it would be largely screened by the existing landscaping on the common boundary with that property. First floor windows in the front elevation would be roof lights and would be approximately 18 metres from the common boundary with Broadways and are not considered to result in any significant loss of privacy to that property.
24. The neighbouring pair of semi-detached dwellings to the South West have rear elevations angled slightly towards the application site. The nearest building, the garage block would sit gable end on to the common boundary, however given it would be sited over 10 metres from the rear of the pair of dwellings, its relatively limited height and bulk and its location North of the dwellings and their gardens, it is not considered to cause any significant overbearing, visual intrusion or loss of light to the neighbouring properties. The proposed dwelling itself would be located over 25 metres from the pair of dwellings and while it would be larger than the garage, the increased separation between the properties and the fact that it would sit adjacent to the parts of the neighbour's garden which are furthest from the dwelling mean it is considered to have an acceptable impact on the outlook from the dwellings and the amenity of the garden areas. The rooflights on the front elevation closest to the common boundary could potentially cause some overlooking of the neighbouring properties which could result in a loss of privacy, however as they serve bathrooms, the windows could be conditioned to be obscurely glazed which would successfully mitigate the harm to neighbouring privacy.
25. The proposed dwelling is therefore considered to be acceptable in terms of its impact on neighbouring residential amenity.
26. **Impact on Countryside and Visual Amenity** – The previously refused scheme (S/2206/13/FL) was considered to be too large, its massing too great and its design inappropriately suburban for this site on within the development framework but back onto the open countryside. The current scheme is of a significantly reduced scale and its design is considered more appropriate to its village edge location. The design of the proposed dwelling reflects that of the dwelling immediately to the North and is considered to be appropriate to its location in terms of its scale massing and design. The dwelling has been designed with a single storey element on the Northern side which would sit adjacent to the single storey element of the dwelling to the North. This provides a good level of visual separation between the dwellings meaning that the views from the public domain down the access and into the countryside will be largely unaffected. It will also provide sufficient openness is wider landscape views from the countryside which is considered to overcome the scale and design reasons that both the previous application for a dwelling and the recent application for a large extension to East View (S/0200/14/FL) were refused. It is considered necessary to remove permitted development rights from the dwelling to ensure that future extensions which could alter its design or scale can be controlled. On that basis, the proposed dwelling

is considered acceptable in terms of its impact on the rural character of the countryside and the visual amenity of the area.

27. The erection of an enlarged garage block is not considered to cause any significant harm to the visual amenity of the area, given the limited scale of the resulting building in comparison with the surrounding dwellings.
28. The change of use of the land behind the dwellings which is outside the development framework from agricultural land to garden land has the potential to impact on the rural character of the countryside. However, the approval of the change of use of the land immediately to the rear of the application site to a paddock has to some extent cut off the application site from the countryside. Resisting the change of use would require the small area of land behind the existing and proposed dwellings to be retained in agricultural use while the land around it would be paddock with the open countryside beyond. This is considered to add weight to the argument to change the use of the land to residential garden, which will not only facilitate the creation of a dwelling, but will also allow the builders yard use to be removed from the site, a use which currently causes harm to the visual amenity of the site. As discussed above, the openness of the land which would become garden could be controlled in the long term by the removal of permitted development rights for ancillary buildings and for new boundary treatments. This would ensure that the gardens would remain open and inappropriately domestic or impermeable boundary treatments resisted. While some domestication of the land such as play equipment and domestic planting may occur, the overall openness and rural character would be able to be largely retained and the benefit of the removal of the builders yard use and the provision of a dwelling is considered to outweigh the small potential change in character which some domestication might bring about. The removal of the builders yard would need to be the subject of a S106 legal agreement to remove the building materials and structures from the entire site and not to re-implement permission S/1265/77/EU.
29. On that basis, the proposed development and change of use are therefore considered to be acceptable in terms of the impact on the countryside and the visual amenity of the area.
30. **Highway Safety and Parking Provision** – The Local Highways Authority (LHA) requested that vehicle visibility splays be provided in order to demonstrate that vehicles leaving the site would not cause any significant highway safety risk. The applicant has provided the requested information which does demonstrate that the required visibility splays can be achieved. The LHA's concerns have been overcome and subject to conditions requiring the provision of a 5 metre x 5 metre passing point at the access, the setting back of gates from the highway, the construction and drainage of the access and the provision of pedestrian visibility splays, the proposed development is considered acceptable in terms of its impact on highway safety.
31. The application site would provide garaging and driveway parking and turning spaces for at least two domestic vehicles. This is considered to be a sufficient provision of off street parking and the proposed dwelling is therefore considered acceptable in terms of the parking and turning facilities provided.
32. **Contaminated Land** – Given the current use of the site as a builders yard and the previous uses of the existing garage block, the Council's Scientific Officer has recommended that a contamination investigation be undertaken on the site and an investigation report and remediation methodology be produced prior to any development being carried out. On that basis, the risk from contamination of the land is considered to be acceptably mitigated.

33. **Community Infrastructure** – Under the provisions of policy DP/4 of the current LDF and policies SC/6 and SC/7 of the emerging Local Plan, the proposed dwelling would result in a requirement for the provision of financial contributions to towards the supply of off-site open space and infrastructure provision. The applicant has submitted Heads of Terms indicating a willingness to enter into a Section 106 legal agreement for the required contributions which in this case would be £4258.90 towards Public Open Space, £703.84 towards Community Facilities, £69.50 towards bin provision and £50 towards monitoring of the S106 agreement.
34. On 28 November 2014 the National Planning Policy Guidance was updated and now states that on schemes of less than 10 dwellings (such as this), 'tariff based' contributions can no longer be sought. The Authority is currently seeking legal advice on whether the change in guidance also reflects a change in planning policy.
35. As such, if the Committee is minded to approve the application, officers seek delegated powers to either approve subject to conditions and the prior completion of a Section 106 Agreement including provision of the contributions or, if the legal advice is that these contributions can no longer be requested, approval without the requirement for contributions within the legal agreement.

### **Recommendation**

36. Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is recommended that the Planning and New Communities Director be granted delegated powers to approved the application, subject to the signing of a S106 agreement relating to the existing builders yard use and, as appropriate, securing financial contributions for off-site provision of open space and infrastructure provision and to conditions relating to the following matters:
1. Timescale for implementation;
  2. Approved plans and specifications;
  3. External materials;
  4. Boundary treatments;
  5. Landscaping scheme;
  6. Contamination investigation and remediation;
  7. Obscure glazing of front facing bathroom windows;
  8. No new first floor windows in side or front elevations;
  9. Provision of passing place at access point;
  10. Setting back of gates;
  11. Visibility splays;
  12. Access drainage and construction;
  13. Construction hours between 8am and 6pm weekdays and 8am and 1pm Saturdays;
  14. Construction Practices;
  15. Removal of Part 1 and Part 2 (Class A) Permitted Development Rights from the site.

## Background Papers

27. 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.
28. The following background papers were used in the preparation of this report:
- 1. South Cambridgeshire Local Development Framework Core Strategy DPD 2007
  - 2. South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
  - 3. South Cambridgeshire Local Development Framework Supplementary Planning Documents
  - 4. Proposed Submission South Cambridgeshire Local Plan July 2013
  - 5. National Planning Policy Framework 2012
  - 6. National Planning Policy Guidance
  - 7. Planning File Reference: S/2457/14/FL, S/0200/14/FL, S/2206/13/FL, S/1032/13/F, S/0945/07/F, S/1265/77/EU

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