

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

7 October 2015

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

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**Application Number:** S/1765/15/FL

**Parish(es):** Great and Little Chishill

**Proposal:** Erection of a three bedroomed barn-style dwelling with integral garage and associated new access and driveway

**Site address:** 6 Maltings Lane

**Applicant(s):** M Mander

**Recommendation:** Delegated Approval

**Key material considerations:** Principle, Impact on heritage assets, Neighbour amenity, Highway safety

**Committee Site Visit:** 6 October 2015

**Departure Application:** No

**Presenting Officer:** John Koch, Team Leader

**Application brought to Committee because:** The officer recommendation conflicts with that of the parish council

**Date by which decision due:** 8 October 2015

### Relevant Planning History

1. S2294/04/O – Outline application for chalet bungalow and double garage – Refused  
S2261/14/FL – Chalet bungalow and integral garage - Withdrawn

### Planning Policies

2. *National Planning Policy Framework  
Planning Practice Guidance*
3. *South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007*  
ST/7 Infill Villages
4. *South Cambridgeshire LDF Development Control Policies, adopted July 2007*

DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
DP/7 Village Frameworks  
HG/1 Housing Density  
CH/4 Development Within the Curtilage or Setting of a Listed Building  
CH/5 Conservation Areas  
SF/10 Outdoor Playspace, Informal Open Space and New Developments  
SF/11 Open Space Standards

5. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*

District Design Guide SPD – adopted March 2010  
Open Space in New Developments SPD – adopted January 2009  
Listed Buildings – adopted July 2009  
Development Affecting Conservation Areas – adopted January 2009  
Landscape in New Developments - adopted March 2010

6 *Draft Local Plan*

CC/4 Sustainable Design and Construction  
H/7 Housing Density  
H/8 Housing Mix  
H/11 Residential Space Standards  
H/14 Heritage Assets  
HQ/1 Design Principles  
S/3 Presumption in Favour of Sustainable Development  
S/7 Development Frameworks  
SC/7 Outdoor Playspace, Informal Open Space, and New Developments  
SC/8 Open Space Standards  
S/11 Infill Villages  
TI/2 Planning for Sustainable Travel

**Consultation**

7. **Great Chishill Parish Council** – Object. We do not consider that the application meets the overall objective of ‘enhancement’ as required in SCDC planning guidelines for a Conservation area. The submission of a timber clad, very conventional build neither meets the objectives of ‘innovation’ nor is it in harmony with the surrounding buildings, which are white finished.
8. We are of the view that the erection of a substantial fence dividing the garden of No 8 is obviously damaging to the integrity of the former garden. Whether this fence is legal without planning permission in a conservation and in the curtilage of a listed building is an important but separate issue.
9. The footprint of the proposed house almost covers the width of the plot and in the context of spaced properties typically with generous gardens, will create the impression of overdevelopment.
10. Previous comments regarding access in a very narrow lane and an increase of vehicle numbers is still a very serious concern and continue to apply as do those re the non-identification of a separate plot on historic deeds

11. **Local Highway Authority (LHA)** – No objections subject to conditions regarding pedestrian visibility splays, driveway construction (drainage and debris) and a construction traffic management plan as well as an informative re the separate consent of the LHA.
12. **Consultancy Unit, Historic Buildings** – The proposed site for the dwelling is located in Great and Little Chishill Conservation Area and on a street that has a large number of listed buildings. Making it a very constrained site with any development requiring a high quality design that compliments the existing listed building and character of the conservation area. The design follows what was discussed on site prior to the submission.
13. The scale of the proposed new dwelling respects the existing heights along the street, keeping the ridge line low meaning it does not dominate the street scene. The building uses the length of the plot to achieve a good number of bedrooms.
14. I recommend that samples of all external materials should be submitted and agreed.

### **Representations**

15. Letters of objection have been received from the occupiers of 2, 3, 4, 7 Maltings Lane. The points raised can be summarised as follows:
  - (i) A new dwelling will fail to preserve or enhance the conservation area
  - (ii) The setting of no 8 Maltings Lane is the best setting of all the buildings in Malting Lane and will be harmed.
  - (iii) The new boundary fence has been unlawfully erected and has already harmed the setting of no 8 Maltings Lane
  - (iv) The proposed building is too large and therefore not subservient in comparison to the listed building. It cannot be said to be representative of an outbuilding to the Old Bakery
  - (v) Contrary to the traditional and rural setting of the area
  - (vi) The proposed building has no architectural merit
  - (vii) The DAS does not provide any reference to the building performance
  - (viii) Loss of trees
  - (ix) Loss of foliage causing loss of privacy.
  - (x) New dwelling will be elevated from existing ground level thus reducing effectiveness of boundary fence to prevent overlooking
  - (xi) Garden area for the new plot is too small
  - (xii) Too much hard landscaping
  - (xiii) Increased traffic generation along a narrow lane. Detrimental effect on existing road surface
  - (xiv) Additional pressures on access along Maltings Lane
  - (xv) Overlooking
  - (xvi) Overshadowing
  - (xvii) A previous refusal for outline consent in 2004 is still relevant. The application is little different to that withdrawn in 2014.
  - (xviii) The existing house numbering provides no weight for defining a new plot between nos. 4 and 8 Malting Lane
16. 2 letters of support has been received from the occupiers of Crosshill House, May Street and 49 Barley Road. The points raised can be summarised as follows:
  - (i) The site is within the village framework and big enough for an infill dwelling

- (ii) There is a mixture of building styles in the Lane
- (iii) Increased traffic generated by one additional dwelling would not be significant
- (iv) The dwelling would enhance the conservation area
- (v) The site is currently obscured by an existing boundary fence

### **Planning Appraisal**

17. The application has been submitted in response to officers' concerns over the details submitted for a similar application under reference S/2261/14/FL.
18. The site lies within and at the southern end of the village framework and conservation area. It comprises what was until recently, the side garden of 8 Maltings Lane ('The Old Bakery'), having a frontage of 15m and a depth of 48m. A 1.8m high close-boarded fence has been erected (without planning permission) between the two properties and the site is also visually divorced from the road by a long standing 2m high close-boarded fence. The site slopes down from front to rear and also rises gradually towards no.8.
19. Maltings Lane comprises a group of 11 dwellings in the form of a cul-de-sac served by a narrow access without footpaths, off May Street. In addition, to no 8, nos. 1, 7 10, 12 and 14 Maltings Lane are all grade II listed buildings.
20. The main considerations in this case are the principle of development, the impact on the heritage assets, neighbour amenity and highway safety.
21. *Principle of development*  
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 Core Strategy and Development Control Policies DPD's identify Great Chishill as an 'Infill Village' where the construction of a new residential dwelling within the framework is supported.
22. The proposed development would still have been acceptable in principle having regard to adopted LDF and emerging Local Plan policies, had policies ST/7 and DP/7 not become out of date as a consequence of the Council not currently being able to demonstrate a five-year supply of deliverable housing sites.
23. The density of the proposal is accepted with regard to Policy HG/1 and taking into account the physical constraints of the site. Consequently, the principle of the development is considered acceptable subject to the detailed considerations discussed below.
24. *Heritage Assets*  
A previous outline application for a dwelling on this site was refused in 2004 under delegated powers. It was refused on a matter of principle, albeit the proposal was for a dwelling facing the listed building (and not the street). In that case the new dwelling was judged to dominate the setting and attractiveness of the listed building as well as the harmony and grouping of the other listed buildings in the road. The reason for refusal also spelled out that the site was considered to be an important gap site in the conservation area and should not be developed.
25. The width of the site is less than that of the two properties either side and the other houses in Malting Lane which front the road. However, no 8 is an exception to the general trend whereby its main elevation is sited at right-angles to the road, thus creating a gap of approximately 30m between it and 4 Maltings Lane. Despite the

2004 refusal, the Conservation Officer considers the resultant gap is wide enough to accommodate a dwelling that need not have an adverse affect on either the setting of the adjoining and neighbouring listed buildings or the conservation area. This is subject to a satisfactory scale, design and layout being provided.

26. The dwelling seeks to take advantage of the site topography by being designed with a narrow frontage and using the length of the site. It has an eaves height of 2.3m and an overall ridge height of 5.85m. The dwelling will be set into the site such that the ridge heights of nos. 4 and 8 will be approximately 1.25m and 3.9m higher respectively. There is also a resultant gap of 3.6m between the dwelling and no. 4 and more crucially 16.5 with the main range of the listed building (no.8). This is demonstrated by proposed street scene elevations and site sections submitted with the application.
27. As a result, officers are satisfied that the new dwelling will not compromise the setting of the adjoining listed building. Neither will it have any impact on the wider setting of the other listed buildings in Maltings Lane. Retention of the existing unauthorised common boundary fence is undesirable as it creates an unwarranted enclosure of the listed building, but is clearly needed to aid privacy for the existing and future occupiers. Officers have requested that the front half of the fence should be reduced to 1.2m in height (as suggested on the plans) .Given that the existing long-standing fence along the site frontage will also now be removed, this will have a positive benefit in opening up views of the listed building that do not currently exist.
28. The proposal does not therefore compromise the setting of the listed building, or the others in the road and complies with Policy CH/4.
29. The dwelling is of one and a half storeys and intended to be of a 'barn style' design (indeed there was originally a barn on the site). It is to be clad in larch horizontal boarding under a clay tile or slate roof with timber conservation type windows and rooflights. Members will have noted from the site visit that the existing dwellings in Maltings Lane comprise both two and one and a half storey dwellings with a wide range of types and styles These utilise a mixture of concrete tiles, slate and thatch for roofs and horizontal boarding, different coloured render and colour wash for walls. As such there is no overriding uniformity within the street scene.
30. Maltings Lane adds to the character and appearance of the conservation area by virtue of it being a narrow thoroughfare with generally green and open frontages and individually designed dwellings. Nonetheless, a number of the properties do have large gravel drives and turning areas. The proposal will involve the removal of a few insignificant fruit trees and low value conifers and the creation of a new shingle drive and landscaped area to the front of the site. This will allow for a short length of frontage hedge to be planted. The set back of the dwelling into the site will also reduce its physical presence in the street scene. The dwelling sits off the side boundaries and will not have the appearance of having been shoe-horned into the site. It also has a private rear garden area of around 265 sq m which comfortably exceeds the minimum threshold set out in the adopted Design Guide.
31. Thus in spite of the previous refusal, the proposal complies with policies DP/2, DP/3 and CH/5, subject to conditions requiring details of the external materials, revised front boundary treatment and tree protection during construction. It would also be appropriate for a condition removing permitted development rights to ensure both the conservation area and adjoining listed building are not prejudiced by any subsequent additions to the property.

32. *Neighbour amenity*  
The new dwelling will have negligible impact on adjoining dwellings given its overall height, scale and being set down into the site below existing ground levels. The bulk of no 4 is sited well away from the side boundary and the small part of its facing side elevation is devoid of windows. While the rear elevation projects 3m beyond the rear of no. 4, the main windows to no. 4 are well away from the boundary. All the rooflights shown are secondary windows and have a cill height of 1.7m above finished floor level. No material impacts arising from overlooking and overshadowing will occur. There is no neighbour impact on any other property. The proposal therefore complies with Policy DP/3 subject to the aforementioned removal of permitted development rights and confirmation of the finished floor levels as shown on the submitted plans.
33. *Highway Safety*  
The additional demands arising from a single three-bedroom dwelling are such that the LHA has raised no objection subject to various safeguarding conditions. Officers have no reason to dispute the above conclusion though all of the suggested conditions are considered to be necessary.
34. *Other Matters*  
Government planning policy that sought to introduce a new national threshold on pooled contributions was introduced on 28 November 2014 but has since been quashed. Policies DP/4, SF/10 and SF/11 therefore remain relevant in seeking to ensure the demands placed by a development on local infrastructure are properly addressed.
35. There remains restrictions on the use of section 106 agreements, however, resulting from the Community Infrastructure Levy Regulations 2010 (amended). CIL Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is (i) Necessary to make the development acceptable in planning terms; (ii) Directly related to the development; and (iii) Fairly and reasonably related in scale and kind to the development.
36. CIL Regulation 123 has the effect of restricting the use of pooled contributions. In accordance with Planning Practice Guidance "When the levy is introduced (and nationally from April 2015), the regulations restrict the use of pooled contributions towards items that may be funded via the levy. At that point, no more may be collected in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the levy". The pooling is counted from 6 April 2010.
37. Less than five planning obligations have been entered into for developments in the village of Great and Little Chishill since that date. As such, officers are satisfied that the Council can lawfully enter into a section 106 agreement to secure developer contributions as per development control policies DP/4, SF/10, SF/11.
38. However, no specific projects for either outdoor or indoor community facilities have been identified by the Parish Council that are directly related to the development; fairly and reasonably related in scale and kind to the development; or necessary to make the development acceptable in planning terms (as per the requirements on paragraph 204 of the NPPF). As such, no request for such contributions should be sought in the event the application was to be approved.
39. Notwithstanding the objection raised, the building is intended to be timber framed to

high insulation standards and utilising an air source heat pump to aid sustainability.

40. The objections that there was never any intention to create a plot known as 6 Maltings Lane are not relevant and the application has been considered on its merits.

**Recommendation**

41. Officers recommend that the Committee approve the application, subject to:

**Requirements under Section 106 of the Town and Country Planning Act 1990**

- (a) Completion of an agreement confirming payment of open space contributions

**Conditions**

- (a) Time Limit (3 years) (SC1)
- (b) Drawing Numbers (SC95)
- (c) Materials (SC13)
- (d) Landscaping (SC5)
- (e) Landscape Implementation (SC6)
- (f) Boundary Treatment (SC12)
- (g) Removal of Permitted Development Rights (SC29)
- (h) Finished ground and floor levels as per the approved drawings
- (i) Provision and retention of 2m x 2m pedestrian visibility splays (SC22)
- (j) Driveway construction (drainage and bound material)
- (k) Construction traffic management plan

**Informatives**

- (a) Consent of the LHA to carry out highway works

**Background Papers:**

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies DPD (adopted July 2007)
- Planning File Ref: S/1765/15/FL, S/2294/04/O

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