

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee

3 February 2016

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

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**Application Number:** S/1883/15/FL

**Parish(es):** Madingley

**Proposal:** Two storey dwelling, associated works and access

**Site address:** Land adjacent 10 Church Lane

**Applicant(s):** Mr and Mrs Robinson

**Recommendation:** Refusal

**Key material considerations:** Principle of development. impact on character of the conservation area, and residential amenity

**Committee Site Visit:** 2 February 2016

**Departure Application:** No

**Presenting Officer:** Paul Sexton, Principal Planning Officer

**Application brought to Committee because:** At the request of the Councillor Burkitt

**Date by which decision due:** 7 October 2015

### **Planning History**

1. S/1994/00/F – House – Refused – Appeal Dismissed

### **Planning Policies**

2. *National Planning Policy Framework (NPPF)*  
*Planning Practice Guidance*
3. *Local Development Framework*  
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/5 Conservation Areas  
SF/10 Outdoor Playspace, Informal Open Space and New Developments  
SF/11 Open Space Standards

4. *South Cambridgeshire LDF Supplementary Planning Documents (SPD)*  
 District Design Guide SPD – adopted March 2010  
 Open Space in New Developments SPD – adopted January 2009  
 Development Affecting Conservation Areas – adopted January 2009
5. *Draft Local Plan*  
 CC/4 Sustainable Design and Construction  
 H/7 Housing Density  
 H/11 Residential Space Standards  
 HQ/1 Design Principles  
 NH/14 Heritage Assets  
 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

### **Consultation**

6. **Madingley Parish Council** - comments that 'The Parish Council agreed at its meeting of 10/9/15 to leave the final decision to the Planning Officer'.
7. **Local Highway Authority** – No objection, conditions should be included requiring provision of pedestrian visibility splays, and the falls, levels and construction of the driveway.

### **Representations**

8. The owners of Nos. 8 and 9 Church Lane (one property) object:
  - i. Contrary to Development Control DPD Polies DP/1, DP/2, DP/7 and CH/5, and the NPPF. CH/5 states that 'to retain the semi-rural character of villages it is appropriate to retain some vacant plots.' This plot is one of those, and this situation has not changed since the previous appeal.
  - ii. Site has been proposed for development previously and both application and appeal refused, and the current proposal is not convincing as a building design within Church Lane. The proposal still results in the loss of an important gap, as referred to by the Inspector. The development would still appear cramped and out of keeping.
  - iii. Land was sold by the University of Cambridge in 1999 specifically as 'garden land' and not suitable for building, and without development potential.
  - iv. As it is in a conservation and preservation area, the aesthetic is critical – the proposed development is not in scale with the streetscape of Church Lane i.e. a detached house which is smaller than 50% of the adjacent houses.
  - v. 8 and 9 Church Lane, constructed in 1860 (and not in the 20<sup>th</sup> or 21<sup>st</sup> century as suggested by the architect) is probably the oldest in Church Lane is unreasonably close to the proposed development, which will detract from the character and importance of these buildings in the Conservation Area.
  - vi. The owners of 9 Church Lane are also concerned in respect of restriction of light, vision, overlooking and subsidence, given that the buildings will be only 4m

apart. The large window in the east elevation of the proposed dwelling will overlook the garden of No.9, and No.9 will overlook the new dwelling, which is not characteristic of this part of the Conservation Area.

- vii. This is a green belt area and the loss of further grass laid by the current owner would certainly not enhance the overall appearance of the street. Although the site is not in the Green Belt, the land to the rear is. Development would have a detrimental impact on the Green Belt by harming the open and rural character of the area.
  - viii. Parking is inadequate and does not offer visual splay lines for safe use.
9. The occupier of 11 Church Lane has no objection in principle and offers support to the development, as the design would appear to fit in well with the design of surrounding houses. The house is needed to house the applicant's mother who currently lives some miles away and is not in the best of health. It is noted that as part of the proposed works the applicant will replace the pipework of the conduit that runs below the front garden of No.11 and the applicant's property.
10. **Councillor Burkitt** has asked for the application to be referred to Planning Committee.
11. 'I appreciate that a former application was declined in 2000/2001 but:  
(a) this is a re-modelled application which addresses all of the previous concerns  
(b) since that date, SCDC has adopted a new Supplementary Planning Document (Development Affecting Conservation Areas, Jan 2009),  
and I believe that the re-modelled application accords with PPG15 and our new SPD.
12. The application is for a small new house in a gap in a row of existing houses. I believe that:  
(a) it is not in a particularly sensitive part of the village  
(b) the gap is small and does not afford views through it, as the land rises very sharply behind it (this, to me, is a key point)  
(c) the design of the new house is of high quality and respects the context of the other houses in the row.
13. I therefore believe that the application accords with PPG15 which, as you know, states at para 4.17 that "*Many conservation areas include gap sites...that make no positive contribution to...the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is... that new buildings should ... be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own.*"
14. This is an infill site, so paras 2.1 to 2.7 of SCDC's SPD "Development Affecting Conservation Areas, Jan 2009" applies. I believe the application meets the criteria for approval in all seven of those paragraphs, because:  
(a) the site is large enough to accommodate the small house proposed  
(b) the site is not open ground and makes minimal contribution to the Conservation area and the wider setting  
(c) the site is not important as regards the pattern and rhythm of the village  
(d) there are no vistas through it  
(e) the site is not located adjacent to a Listed Building
15. I believe that the application meets the relevant criteria, and, being within easy cycling

distance from Cambridge, it would be a sustainable development.

16. As an aside and away from planning law and policy:
  - (a) Madingley is a small village and I understand that the Parish Council has previously stated that it would benefit from a few extra houses and additional residents to slightly boost its population;
  - (b) the small size of the house would assist the demographic balance, as many other houses are large.'

### **Applicant's Representations**

17. As part of the applicant's submission 7 letters are included from residents of Madingley stating that no objections are raised, or giving support, to the application.
18. The application is accompanied by a Planning Statement, Design and Access Statement, and Heritage Statement, which can be viewed as part of the background papers. In these documents the applicant's agent sets out the justification for the application and how the revised submission is felt to have addressed the previous reasons for refusal.

### **Planning Appraisal**

19. No 10 Church Lane is a semi-detached house. The application site comprises a 0.03 ha of garden land to the south of the house. The site, which is currently laid to grass, slopes up away from the road by approximately 2m front to back. The front boundary is currently formed by a wooden picket style fence and 5-bar wooden gate. The rear boundary is formed by post and rail fencing allowing views through to the open land beyond.
20. To the south, the site abuts 8 and 9 Church Lane, formerly a pair of dwellings now occupied as one house. There is fencing and planting on the boundary with that property. To the north the site adjoins the applicant's existing dwelling, and currently that boundary is undefined.
21. To the rear is agricultural land and on the opposite side of Church Lane is part of the grounds to Madingley Hall.
22. The full application proposes the erection of a detached 2- bedroom dwelling, set back 6m from the front wall of the existing house, and 3.5m forward of the house to the south. The chalet style dwelling has a frontage width of 7.59m, with two dormer windows in the front elevation, and a ridge height of 6m. It is intended to lower existing ground levels within the site so that the dwelling sits on a level plateau, with a finished floor level that is 570mm above that of No.10, and 900m below that of No.9 to the south.
23. Tandem parking for 2 cars is provided in front of the proposed house.
24. Materials proposed are brick and clay plain tiles. The existing conifer trees on the boundary with No.9 will be removed.

### *Principle of development*

25. 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

Madingley, as an Infill Village' where the construction of a new residential dwelling within the framework is supported.

26. The proposed development would still have been acceptable in principle having regard to the settlement policies in the 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. Notwithstanding this the development still has to be considered against policy that seeks to protect the character and appearance of Conservation Areas.
27. The density equates to 30dph and is acceptable with regard to Policy HG/1.

*Impact on Conservation Area and Street Scene*

28. For development within a conservation area, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
29. The Development Affecting Conservation Areas SPD (paras 2.1 – 2.2) states that where sites are physically large enough to accommodate infill development, consideration should be given to the value of the site as open land, and the contribution it makes to the Conservation Area and its wider setting. It states that it may also be desirable to retain a gap in order to preserve the pattern and rhythm of development in the village, and that on the edge of a village the pattern of development may be for buildings to be sited further apart, and set in larger plots.
30. The SPD (para 2.4) notes that many Conservation Areas include gap sites that make no positive contribution to, or detract from, the character or appearance of the area, in which case new development, of a high quality design, might be appropriate. However, at para 2.5 it states that applications for infill development on sites which make an important contribution to a Conservation Area, either by affording key views or ensuring the pattern and rhythm of development is retained, are likely to be refused.
31. The NPPF (which has superseded the advice formally in PPG15) requires Local Planning Authorities to identify and assess the particular level of significance of any heritage asset affected by a proposal, and the desirability of sustaining and enhancing its significance. At paragraph 134 it states that where development will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
32. In dismissing the appeal for the erection of a dwelling on this site in 2001, the Inspector commented that the character of this part of the Conservation Area derives from the relatively generous spacing between dwellings. He noted that the 3 pairs of older semi-detached properties are currently spaced at some 17m and 20m apart respectively. Although he noted that the more modern dwelling to the north was somewhat closer to No.11 at 9.5m, it still amounted to a sizeable gap when compared with the gap that would remain with the appeal proposal. This would have been 4.85m to the north and less than 4m to the south. The Inspector took the view that the dwelling proposed at that time would appear cramped and out of keeping with its surroundings.
33. The new application promotes a considerably improved design approach to the dwelling considered by the Inspector, and has reduced the amount of hard surfaced area at the front of the site. However, the building will be set 3m further forward on the

plot. The gap to the south would be 3.2m, less than the appeal proposal, whilst the gap to the north would be increased to 6.6m.

34. There has been no material change to the pattern of built development on the east side of Church Lane since the appeal decision. Officers are of the view that the value of this site in its undeveloped form to the character of this part of the Conservation Area has not diminished in any way since the appeal decision, and development should therefore be resisted in principle.
35. Officers recognise that the current application takes a different design approach, which has resulted in a dwelling far more appropriate for a Conservation Area site, than that previously refused. However, whilst the frontage width of the proposed dwelling is 1m less than that refused in 2000, officers remain of the view that the proposal will result in a visually cramped development, which would appear out of keeping with its surroundings.
36. Officers are of the view that the proposed development would result in less than substantial harm to the Conservation Area, but that this harm is not outweighed by any public benefit that would result from approving the application.

#### *Impact on residential amenity*

37. The proposed dwelling will result in some overshadowing and loss of light to the rear of the existing dwelling at No.10 Church Lane, however this impact is not considered significant.
38. In assessing the impact on the amenities of the occupiers of the property to the south, the Inspector concluded previously that whilst the erection of a new dwelling would make that property a less pleasant dwelling in which to live, the loss of amenity would not amount to sufficient harm of itself to justify refusal.
39. No.8 and 9 Church Lane has a main sitting room facing the application site, with a bedroom above. The siting of the proposed dwelling further forward on the plot than the scheme previously refused will further reduce the impact of the proposed dwelling from these windows. Although the new dwelling will now project forward of No.8 and 9 by 3.5m, and result in the removal of the existing line of conifers, it will not result in any unreasonable loss of light, or be unduly overbearing when viewed from that property. Officers therefore take a similar view to the Inspector in that any harm to the amenity of the occupiers of No.8 and 9 is not sufficient to justify a reason for refusal of the application.

#### *Highway safety*

40. The scheme provides adequate off-street parking for the proposed and existing dwelling. The required pedestrian visibility splays can be achieved.
41. The Highway Authority has raised no objection in principle.

#### *Other Matters*

42. 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.

43. 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.
44. 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.
45. Less than five planning obligations have been entered into for developments in the village of Madingely 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 should the application be approved.
46. 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.

### **Recommendation**

47. Officers recommend that the Committee **refuses** the application for the following reason:
  - (a) The site is located within a part of the Madingley Conservation Area which derives its character from the relatively generous spacing between dwellings. The site in its current open form plays an important role in providing this characteristic space between dwellings. As result the proposed development of this plot is unacceptable in principle as it would appear cramped and out of keeping with its surroundings, and would have a detrimental impact on the character and appearance of this part of Madingley Conservation Area. As a result the proposal is contrary to the aims of Policy CH/5 of the adopted Local Development Framework 2007 and the Development Affecting Conservation Areas SPD 2009, particularly paragraphs 2.2 and 2.5. Whilst the proposed development would result in less than substantial harm to the designated heritage asset, the harm identified above is not outweighed by any public benefits of the proposal.

### **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 Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File Ref: S/1883/15/FL and S/1994/00/F

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