

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

06 July 2016

AUTHOR/S: Planning and New Communities Director

Application Number: S/1275/15/FL

Parish(es): Fulbourn

Proposal: Erection of 6 six dwellings with associated works, including access alterations and landscaping, following the removal of the existing timber yard and associated structures

Site address: Land to the East of Cox's Drove, Fulbourn, CB21 5HE

Applicant(s): Coxdrove Developments Limited

Recommendation: Approval

Key material considerations: Housing Land Supply
Planning Policy and Principle
Loss of Existing Employment Land Use
Design Considerations
Density
Housing Mix
Affordable Housing
Landscape and Visual Amenity (including Impacts on Setting of Green Belt)
Impacts on Trees
Residential Amenity
Access and Highway Safety
Heritage Assets, including Archaeology
Ecology
Drainage
Contamination
Developer Contributions

Committee Site Visit: 5 July 2016

Departure Application: Yes

Presenting Officer: Thorfinn Caithness, Principal Planning Officer

Application brought to Committee because: The application comprises a departure from the Development Plan.

Date by which decision due: 30 June 2016 (extension of time agreed)

Executive Summary

1. The application seeks full planning permission for the erection of 6 (no.) dwellings following the removal of an existing timber yard and associated structures.
2. The application site is located outside, but on the edge of, the Fulbourn village framework on a part brownfield / part greenfield site in the open countryside. The development would not normally be considered acceptable in principle when set against current adopted policy as a result of its location. However it is recognised that the district does not currently have a 5 year housing land supply, and therefore adopted Development Plan policies in relation to the supply of housing are considered not up to date. The local planning authority must determine the appropriate weight to apply to relevant development plan policies. The NPPF states there is a presumption in favour of sustainable development, and where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
3. In this case the impact of developing 6 dwellings is considered, on balance, to outweigh the policy constraints contained under policy DP/7 of the Local Development Framework. Fulbourn is considered a sustainable location which can accommodate the proposed level of development, taking into account existing transport links and the level of local services within the village. The application is therefore recommended for approval.
4. This on balance recommendation has had due regard to the loss of the existing rural employment business which currently operates from the site, the impacts on residential amenity, trees, ecology, the setting of the Green Belt, access arrangements and all other matters of acknowledged importance. None of these identified considerations are considered sufficient to outweigh this otherwise small scale and sustainable proposal. The contribution that this development will make in terms of provision of affordable housing and other community facilities, combined with employment creation for the construction industry and allied trades and assistance with meeting the current shortfall in housing all weigh in favour of the application.
5. With regards to the impact of the proposed development on the setting of the adjacent Listed buildings and the Fulbourn Conservation Area it is considered that there will be no harm and the settings of these designated heritage assets will be preserved, in accordance with sections 66(1) and 72(1) of the Listed Buildings and Conservation Areas Act, 1990, which place a statutory duty on the local planning authority to have special regard to the desirability of preserving listed buildings and their settings, including any features of special architectural or historic interest, and the character, appearance and setting of Conservation Areas.

Site and Surroundings

6. The application site is located on the northern edge of Fulbourn village, to the east of Cox's Drove and to the north of Cow Lane.
7. The site comprises an area of 0.6 hectares of generally flat land, the main body of which is of rectangular shape.
8. The site bears mixed characteristics of both previously developed and greenfield land. The eastern part of the site is more developed, comprising the main wood processing, cutting and storage areas. The western part of the site is generally undeveloped and is overgrown with shrubs.

9. The site is served by an existing private access from Cox's Drove to the west. This access contains two corners and is of informal character and construction. The existing wood yard shares this private drive with three residential properties – 28 Cow Lane, Locksley House and Saxfield House.
10. The site is located in the open countryside, outside of the defined framework for Fulbourn village. The site is however contiguous with the village framework boundary, which runs along the southern and western boundaries of the site.
11. Policy ST/4 of the adopted Core Strategy classifies Fulbourn as a 'Rural Centre', wherein development and redevelopment without any limit will be permitted within the village framework, subject to provision of adequate services, facilities and infrastructure, either existing or proposed.
12. The site is currently in commercial use, operating as a wood yard with associated ancillary storage space, principally of wood and logs. The planning history for the site indicates that this commercial use has been in operation since the early 1980's. It is understood that the business currently employs two local people on a full time basis.
13. To the west and south of the site are the rear gardens of existing residential development on Cox's Drove and Cow Lane. The eastern boundary adjoins an open field. The northern boundary abuts a field and also part of the garden to Holly Lode.
14. The boundaries of the site are comprised of established vegetation of mixed species and maturity, with the trees along the northern boundary being the subject of a Tree Preservation Order.
15. There are also a number of mature trees along the access road, some of which form the approved landscaping scheme associated with the development of Locksley House and Saxfield House.
16. 28 Cow Lane is a Grade II Listed Building. 34 Cow Lane located to the south is also a Grade II Listed Building.
17. The boundary of the designated Fulbourn Conservation Area is approximately 60 – 80 metres away to the south and south east.
18. The site lies in Flood Zone 1, and is therefore not considered to be at risk from flooding.
19. The application site is outside but adjoins the Cambridge Green Belt, which is located beyond the northern and eastern boundaries.

Proposals

20. The application is the subject of a pre-application enquiry in January 2013, at which time the principle of a small scale residential redevelopment of the site was considered acceptable. Pre-application considerations noted that the site lies outside of the defined village framework and is currently in commercial use, however the informal opinion of officers was that the benefits to the local community from the supply of additional housing and the removal of a noisy commercial use would be likely to outweigh the minimal loss of employment land. Officer advice also outlined that any development proposals should be appropriate in terms of their density and housing mix, however it was considered that a small scale development would be unlikely to be harmful to the setting of the adjacent listed building, to neighbouring residential amenity and / or landscape character and should be acceptable in terms of

access arrangements, given the historic commercial land uses operating from the site. The advice was given with the usual caveat that it should not bind the authority to any particular decision on any planning application that may be submitted and which would be subject to publicity and consultation.

21. The current application seeks full planning permission for the erection of 6 (no.) dwellings and associated works following cessation of the existing wood yard and removal of all structures associated with this existing land use.
22. The scheme proposes a density of 13 dwellings per hectare (excluding the site access).
23. A mix of property types and sizes is proposed, including 2 (no.) detached and 4 (no.) semi-detached, 2 x 2-bed, 2 x 3-bed, 1 x 4-bed and 1 x 5-bed units.
24. The properties will be accessed via a private access arrangement, to be shared with three existing properties. The existing drive will be improved in places to facilitate two-way movements and manoeuvring. A within-site turning space is proposed within the main body of the site, to enable vehicles to enter and depart the site in a forward gear. Each property is served with off-street parking space.
25. The proposed layout has been arrived at taking account of a number of site characteristics, opportunities and constraints, in particular the mature trees along the northern boundary, which are the subject of a TPO. Other influences include regard for the landscape character and visual amenity of this edge of settlement and Green Belt site, relationships with existing neighbouring properties and the proximity to 28 Cow Lane, which is a Grade II Listed Building.
26. Regard has also been had to the character of two recently constructed properties to the west; Locksley House and Saxfield House. The largest of the proposed properties (plot 6) displays the characteristics of a principal farmhouse, with the other properties appearing as converted outbuildings.
27. Foul water will discharge to the main sewer. Surface water will discharge to on-site soakaways.
28. It is proposed that wheelie bins will be collected at the junction with Cox's Drove, however they will be stored within the individual domestic curtilages at all other times.

Planning History

29. PRE/0509/12 – Residential Development (Four Dwellings and Garages) – Answered 31-01-2013.
S/0792/91/F – Storage and Cutting of Wood – Approved (Permanent).
S/1411/85/F – Storage and Cutting of Wood – Approved (Temporary).
S/1129/84/F – Storage and Cutting of Wood – Approved (Temporary).
S/0988/83/F – Storage and Cutting of Wood – Approved (Temporary).
S/0379/81/F – Storage and Cutting of Wood – Approved (Temporary).

30. Planning Policy

The following policies are considered relevant to this application. Policies considered 'out of date' in respect of the lack of a five year housing land supply are referred to later in this report.

National Guidance

31. National Planning Policy Framework 2012 (NPPF)
National Planning Practice Guidance 2014 (NPPG)

Development Plan Policies

32. **South Cambridgeshire LDF Core Strategy DPD, 2007**
ST/2 Housing Provision
ST/3 Re-Using Previously Developed Land and Buildings
ST/4 Rural Centres
33. **South Cambridgeshire LDF Development Control Policies DPD, 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/3 Mitigating the Impact of Development Adjoining the Green Belt
HG/1 Housing Density
HG/2 Housing Mix
HG/3 Affordable Housing
ET/6 Loss of Rural Employment to Non-Employment Uses
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
NE/1 Energy Efficiency
NE/3 Renewable Energy Technologies in New Development
NE/4 Landscape Character Areas
NE/6 Biodiversity
NE/9 Water and Drainage Infrastructure
CH/2 Archaeological Sites
CH/4 Development Within the Curtilage or Setting of a Listed Building
TR/1 Planning For More Sustainable Travel
TR/2 Car and Cycle Parking Standards
34. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**
District Design Guide - Adopted March 2010
Open Space in New Developments SPD - Adopted January 2009
Affordable Housing – Adopted March 2010
Development Affecting Conservation Areas – Adopted January 2009
Listed Buildings – Adopted July 2009
Trees & Development Sites – Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Biodiversity SPD - Adopted July 2009
Cambridgeshire and Peterborough Waste Partnership (RECAP) Waste Management Design Guide – Adopted February 2012
35. **South Cambridgeshire Local Plan Submission - March 2014**
S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development

S/5 Provision of New Jobs and Homes
 S/6 The Development Strategy to 2031
 S/7 Development Frameworks
 S/9 Minor Rural Centres
 CC/1 Mitigation and Adaption to Climate Change
 CC/3 Renewable and Low Carbon Energy in New Developments
 CC/6 Construction Methods
 CC/7 Water Quality
 CC/8 Sustainable Drainage Systems
 HQ/1 Design Principles
 NH/2 Protecting and Enhancing Landscape Character
 NH/4 Biodiversity
 NH/8 Mitigating the Impact of Development in and Adjoining the Green Belt
 NH14 Heritage Assets
 H/7 Housing Density
 H/8 Housing Mix
 H/9 Affordable Housing
 H/11 Residential Space Standards for Market Housing
 E/14 Loss of Employment Land to Non Employment Uses
 SC/4 Meeting Community Needs
 SC/6 Indoor Community Facilities
 SC/7 Outdoor Play Space, Informal Open Space and New Developments
 SC/12 Contaminated Land
 TI/2 Planning for Sustainable Travel
 TI/3 Parking Provision
 TI/8 Infrastructure and New Developments

Consultation

36. Fulbourn Parish Council

Second Response – Recommend approval. The Parish Council supports this application subject to access / highways issues being resolved. All parishioners down Cox's Drove have complained to the District Councillor about the parking issues and he has made repeated visits to the tenants of the industrial premises who are parking on the access road to try and resolve the problem. The tenants have been reported for blocking access with cars for sale and are not complying with requests to move them. Access for emergency vehicles is severely restricted. This is a sensitive issue and the concerns of the neighbours should be taken into account.

First Response – Recommend refusal. There will be a loss of privacy to the residents at Locksley House as this application does not show the correct boundary of this neighbouring property which has already been extended. The Council is concerned about road safety which has an 'S' bend in the road and that access would be inadequate for emergency vehicles. This application is outside the Local Development Framework.

37. Local Highways Authority

Fourth Response – No Objections to the supplementary Highways Technical Note by SLR dated 31st May 2016 regarding housing trip generation, access road design and the Cox's Drove splay provision.

Third Response – Locksley House is situated within private land and is not located within the adoptable highway and therefore we cannot raise objection to the

occupants concerns about the proximity of their porch to the access.

With regards housing trip generation, the applicant should confirm if the '70% of all journeys from such a residential unit' is data taken from the census or is assumed.

Access and Standards and Suitability – the Highway Authority would recommend the applicant review the lengths of the individual straight sections of drive as they are considered to be in excess of the 60.0m as stated.

Swept Path Analysis Drawing Number TR01 Rev 1 – Please could the applicant provide empirical data to support the reduction of the visibility splay to 2.4m x 27m to the north of Cox's Drove.

Second Response. The Highways Authority will not require a footway within the site but will require the provision of a 2m footway link to the village of Fulbourn along Cox's Drove to Cow Lane.

First Response - Remedial works to the bank are required to enable the required visibility splays to be achieved. This area shall be kept clear of all planting, fencing, walls etc exceeding 600mm high. Conditions are advised relating to the falls and levels and construction material of the driveway, provision of a footway link to Fulbourn village along the entire length of the proposed internal 5.5m carriageway to the existing public highway and a scheme for the management of construction traffic. An informative is also advised regarding works within the public highway, in the interests of highway safety. Have advised that the road is unlikely to be adopted.

38. Environmental Health

No objections subject to the imposition of conditions and informatives to control construction activities, pile foundations, lighting and demolition works, in the interests of residential amenity.

39. Conservation / Historic Buildings

Second Response

Following the additional information submitted regarding the removal of trees within the site and along the access I have no further comments to make. The proposed development site will remain well screened from the listed building and therefore will not have an adverse impact on the setting of the listed building. The removal of trees along the access will also not have a detrimental impact.

First Response

The site is outside of the Conservation Area boundary, adjacent to a Grade II Listed thatched cottage, stretching eastwards. The site is well screened with dense mature trees, resulting in limited views of the cottage. Plot 1, closest to the Listed cottage, is predominantly single storey and will not visibly impact the setting of the building. Due to the minimal impact on heritage assets there are no concerns with regards the proposed development.

40. Urban Design

Second Response

Having reviewed the additional information I still do not raise an objection to this application. However, my initial concerns still remain:

- The detrimental impact on Locksley House, with the proximity of the

upgraded access road to the existing porch (ie lack of defensible space between the front door and the carriageway).

- It is very disappointing that no affordable units are provided to ensure this development is sustainable.
- I do not believe refuse vehicles will drive onto private drives, a refuse strategy therefore needs consideration.

First Response

Site is outside the village framework but adjacent to the existing boundary. The site is heavily screened by mature trees and planting and already contains some structures associated with its current use as a timber yard, so the development proposals are considered acceptable.

The impact of extra traffic on existing houses, primarily Locksley House and Saxfield House will be detrimental. A passing place may be needed.

The layout, scale, massing and density are appropriate for this location. It is positive the units range in size, but disappointing that no affordable units are provided to ensure this development is truly sustainable.

Refuse vehicles are unlikely to drive onto private drives, therefore a refuse strategy needs consideration.

41. **Trees / Landscape**

Second Response

There are some fairly minor trees on the site itself. The majority of important trees lie on adjacent land immediately to the north of the main part of the site and these are protected by a TPO (08/63 – covering mixed deciduous species). The application is supported by an excellent, clear and comprehensive arboricultural report. The report and tree protection plan are fit for purpose. I have no objection to the application provided that a condition be applied to ensure compliance with the tree protection plan (dwg 2380 16/02/2016 of Andrew Belson) and the recommendations in the accompanying report.

First Response

There is residential development to the south and west. To the north and east are open fields and paddocks surrounded by trees and hedgerows. The site is outside the development framework but not within the Green Belt. The site is partially surrounded by semi-mature and young trees. There are no public rights of way within or adjacent to the application site.

Access to the site is via an existing and extended gravel private road, across which is located a TPO Ref: C/11/17/031/05 Group consisting of 3 Sycamore. The applicant has not included these trees within the Arboricultural Implications Assessment and Arboricultural Method Statement to confirm tree recommendations or protection works. The applicant should confirm any existing trees or shrubs within the access road to determine protection methods and recommendations, such as no dig methods.

The landscape characteristics of the site and the immediate surrounding area include small paddocks around the village frameworks, paddocks or fields, chalk land and

fields surrounded by low thorn and often 'gappy' hedgerows. Mitigation and enhancement measures include retention of existing mature boundary planting, infilling of gaps and provision of a new boundary hedge to the east of the site. These measures are welcomed.

Opportunities exist for environmental enhancement, including provision of open green spaces with meadow seed mix to strengthen landscape character and enhance biodiversity, creation of sustainable urban drainage systems and provision of fruit trees.

Overall, no objections in principle subject to careful landscape mitigation and enhancement measures.

42. Ecology

Second Response

The updated preliminary ecological appraisal and updated reptile survey have been considered and no additional comments are raised, subject to the previously amended conditions.

First Response

No objections. The application is supported by an acceptable ecological assessment which raises no biodiversity constraints to development. Standard conditions are advised to control removal of vegetation during the bird breeding season and a scheme for ecological enhancement.

43. Archaeology

The site lies in an area of known archaeological sensitivity. The trench-based evaluation indicates that multi-period remains are present. No remains could be considered to be of national importance and so there are no objections to the proposals on archaeological grounds. However, development impacts should be mitigated through prior archaeological excavation, reporting (including publication of the results if appropriate) and be appropriately archived. A standard condition is advised.

44. Contaminated Land

The submitted 'Preliminary Geo-Environmental Risk Assessment' is considered satisfactory but further intrusive investigation is necessary. A standard pre-commencement condition requiring intrusive investigation (and remediation / dealing with unexpected contamination if applicable) is advised.

45. Housing Development Officer

Accept the commuted sum of £230,256 in lieu of 2 x 2 bedroom affordable housing properties on this site. The Council's New Build Development Team would not be interested in acquiring the affordable housing on this scheme.

46. Representations

Second Consultation

3 letters of representation have been received from residents. The following concerns

and objections have been raised:

- i) Removal of trees. We hope this is kept to a minimum and as many trees as possible are kept as a screen between the development and the properties along the boundary of Cow Lane;
- ii) The opening of a garage in Cox's Drove has already had an impact on the volume of traffic in this area and this development will only add to the number travelling along an already busy road.
- iii) The owner of Locksley House has reviewed the Transport Consultant's report which states the access way is sufficient to support the safe passage of two large vehicles. Having lived on this access way for some 10 years, I can assure you that this is not the case. There is a blind chicane along this access way that does not allow the passage of 2 normal-sized cars at the same time, such that if one encounters another vehicle at that point, one or other vehicle has to reverse to make way for the other.
- iv) The owners of Locksley House maintain their concerns about adverse effects on privacy resulting from the increased use of the access way, increased traffic noise, conflict with children playing on the currently quiet access way and the likelihood of trespassing by pedestrians onto the Locksley House Property.
- v) The shrubs and hedging along the access way would have to be severely cut back or removed. This hedging was included as a condition of the original planning permission for Locksley House and Saxfield House, and ensures the privacy of these existing properties and 28 Cow Lane.
- vi) The proposal will have a dreadful impact on residential amenity. Please guarantee that this application is referred to planning committee. It is essential that the Councillors visit the site so that they can appreciate the adverse impacts.
- vii) Objection from the new owners of 28 Cow Lane on the grounds of insufficient width on the proposed access to enable two way passing of vehicles, increased risk of accidents and conflict with playing children, added traffic and risk of accidents on Cow Lane, conflict of refuse vehicles with pedestrians, cars and cyclists, as it is impractical to expect residents of the new properties to wheel their bins to the junction with Cow Lane, additional noise, light and traffic pollution, unbearable impacts on amenity from increased passing traffic.
- viii) In heavy rain conditions we have experienced the waste water backing up, causing water to rise up in the toilet and shower. By tripling the load in the area this could become a significant problem.

First Consultation

13 letters of representation have been received from local residents. The following objections and concerns are raised:

- i) Site is outside the village framework and therefore contrary to policy
- ii) Poor and dangerous access to the site, including blind junctions and corners, with inadequate passing space for vehicles, unsatisfactory visibility and no provision for safe pedestrian access
- iii) No provision to accommodate construction traffic
- iv) Harmful impacts on privacy and amenities of existing residents, particularly Locksley House and Saxfield House
- v) Inaccurate plans which do not show the true physical relationship of the access with Locksley House
- vi) Intensification of use of the existing access and associated nuisance to existing residents
- vii) Loss of tranquillity and peaceful ambience of this semi-rural transition zone between the village and the open countryside
- viii) Harmful effects on heritage assets including settings of Listed Buildings and the village Conservation Area, including loss of existing trees along the access which, in particular, contribute to the setting of 28 Cow Lane
- ix) Harmful effect on local character as a consequence of the nature and extent of the proposed access improvements
- x) Harmful effects on general landscape character and visual amenity
- xi) Loss of existing employment land use and no evidence of marketing of site for employment land uses
- xii) No provision of a plan to show the footpath link required by the Highways Authority
- xiii) Adverse effects on TPO trees as a consequence of the necessary access / surface improvements, with tree felling likely and adverse effects on root protection zones
- xiv) Loss of habitat for protected species
- xv) Concerns about hours of construction activities and deliveries
- xvi) Adverse impacts on the security of properties (defensible space and fear of crime)
- xvii) Notice not served on operators of the wood yard
- xviii) Essential that Committee Members visit the site to appreciate the dreadful and adverse impact the development will have on current residents.

Planning Assessment

47. Applications are to be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The adopted Development Plan comprises the South Cambridgeshire Core Strategy DPD, 2007, Development Control Policies DPD, 2007 and Site Specific Policies DPD.

The emerging Local Plan comprises the South Cambridgeshire Local Plan, Proposed Submission Version, July 2013 and associated Policies Map. This plan has not yet been adopted and remains subject to independent examination therefore very limited weight can be attached to the policies contained therein at this time.

The application has been advertised as affecting the setting of a Listed Building, as required by the Planning (Listed Buildings and Conservation Areas) Act 1990.

The key issues in relation to this application are considered to be Housing Land Supply, Planning Policy and Principle, Loss of Existing Employment Land Use, Design Considerations, Density, Housing Mix, Affordable Housing, Landscape and Visual Amenity (including Impacts on Setting of Green Belt), Impacts on Trees, Residential

Amenity, Access and Highway Safety, Heritage Assets, including Archaeology, Ecology, Drainage, Contamination and Developer Contributions.

Principle of Development

Housing Land Supply

48. The National Planning Policy Framework (2012) (NPPF) requires councils to boost significantly the supply of housing and to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
49. The Council accepts that it cannot currently demonstrate a five year housing land supply in the district as required by the NPPF, having a 3.9 year supply using the methodology identified by the Inspector in the Waterbeach appeals in 2014. This shortfall is based on an objectively assessed housing need of 19,500 homes for the period 2011 to 2031 (as identified in the Strategic Housing Market Assessment 2013 and updated by the latest update undertaken for the Council in November 2015 as part of the evidence responding to the Local Plan Inspectors' preliminary conclusions) and latest assessment of housing delivery (in the housing trajectory November 2015). In these circumstances any adopted or emerging policy which can be considered to restrict the supply of housing land is considered 'out of date' in respect of paragraph 49 of the NPPF.
50. Further guidance as to which policies should be considered as 'restricting housing land supply' emerged from a recent Court of Appeal decision (Richborough v Cheshire East and Suffolk Coastal DC v Hopkins Homes). The Court extended the definition of 'relevant policies for the supply of housing' from, 'merely policies in the Development Plan that provide positively for the delivery of new housing in terms of numbers and distribution or the allocation of sites,' to include, 'plan policies whose effect is to influence the supply of housing by restricting the locations where new housing may be developed.' Therefore all policies which have the potential to restrict or affect housing supply may be considered out of date in respect of the NPPF. However even where policies are considered 'out of date' for the purposes of NPPF paragraph 49, a decision maker is required to consider what weight should attach to such relevant policies.
51. In the case of this application policies which must be considered as potentially influencing the supply of housing land are as follows:

Core Strategy

ST/2 (Housing Provision)
ST/3 (Re-Using Previously Developed Land and Buildings); and
ST/4 (Rural Centres)

Development Control Policies

DP/1 (Sustainable Development)
DP/7 (Development Frameworks)
GB/3 (Development Adjoining the Green Belt)
HG/1 (Housing Density)
HG/2 (Housing Mix)
ET/6 (Loss of Rural Employment to Non-Employment Use)
NE/6 (Biodiversity)
CH/2 (Archaeological Sites)

CH/4 (Setting of Listed Buildings)

Emerging Submission Local Plan

S/7 (Development Frameworks)

S/9 (Minor Rural Centres)

NH/2 (Landscape Character)

NH/4 (Biodiversity)

NH/8 (Development Adjoining the Green Belt)

NH/14 (Heritage Assets)

H/7 (Housing Density)

H/8 (Housing Mix)

H/11 (Residential Space Standards), and

E/14 (Loss of Rural Employment to Non-Employment Use)

52. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. It says that where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted (which includes land designated as Green Belt in adopted plans for instance).
53. The site is located outside the Fulbourn village framework and in the countryside, where Policy DP/7 of the LDF and Policy S/7 of the emerging Local Plan state that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. The proposed residential development would therefore not normally be acceptable. However as noted above, under policy contained within the NPPF, Policy DP/7 is considered out of date due to the current lack of a 5 year housing land supply and therefore has limited weight.
54. It falls to the Council as decision maker to assess the weight that should be given to the existing policy. The Council considers this assessment should, in the present application, have regard to whether the policy continues to perform a material planning objective and whether it is consistent with the policies of the NPPF.
55. Fulbourn is identified as a Rural Centre under Policy ST/4 of the LDF and as a Minor Rural Centre under Policy S/9 of the emerging Local Plan where there is a good range of services and facilities, public transport provision and accessibility to employment opportunities. Policy ST/4 of the adopted Development Plan supports residential development without any limit in Rural Centres, subject to the provision of adequate services, facilities and infrastructure. Policy S/9 of the emerging Local Plan supports residential developments up to an indicative maximum scheme of size of 30 dwellings, within the development frameworks of Minor Rural Centres. The erection of 6 dwellings would fall well within the amount of residential development normally supported in such locations and thus is considered to be acceptable in relation to this tier of the settlement hierarchy, set out within both the existing and emerging Development Plans. Fulbourn is a sustainable location which is capable of accommodating this level of additional housing. Therefore substantial weight can be applied to policy ST/4 of the adopted Local Plan and Policy S/9 of the emerging Local Plan.

Deliverability

56. There are no known technical constraints to the site's delivery. Officers are therefore of the view that the site can be delivered within a timescale whereby significant weight can be given to the contribution the proposal could make to the 5 year housing land supply.
57. Section 7 of the National Framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, paragraph 58 of the NPPF states that developments should, amongst other things, add to the overall quality of the area, establish a strong sense of place, respond to local character and history, reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation, and be visually attractive with appropriate landscaping.

Sustainability of development

58. The NPPF states that there are 3 dimensions to sustainable development, economic, social and environmental. The aspects are considered in the assessment of highlighted issues below.

Economic

59. The provision of 6 new dwellings, although a relatively modest proposal, will nevertheless give rise to employment during the construction phase of the development, and has the potential to result in an increase in the use of local services and facilities, both of which will be of benefit to the local economy.

Social

60. The development would provide a clear benefit in helping to meet the current housing shortfall in South Cambridgeshire through delivering 6 residential dwellings. 40% of these units will be affordable (2 units), to be provided off-site by way of a commuted sum in lieu of on-site provision. Officers are of the view the provision of 6 houses, including the affordable dwellings, is a benefit and significant weight should be attributed to this in the decision making process.
61. The development will also make some valuable contributions in relation to open space provision / improvement in the locality. This could be in the form of indoor, outdoor and equipped children's play space, the details of which can be agreed in consultation with the Parish Council and secured through a legal agreement. Significant weight can be given to these anticipated benefits in the planning balance.

Environmental

Trees/Landscaping

62. The site contains a number of mature trees and hedges which make a valuable contribution to defining the character of this edge of settlement site. Some of the mature boundary trees are subject to tree preservation orders and some of the trees along the access lane to the main body of the site need to be removed to facilitate access widening and improvements to enable two-way passing of vehicles.

63. The application is supported by detailed arboricultural assessment and method statements. A small number of trees are proposed to be removed, notably along the private driveway, however in the main, the existing mature landscaping which defines the main body of the site will be safeguarded. Planning conditions will be needed to ensure appropriate tree protection measures are installed during the construction phase and to control root protection areas during works to upgrade the site access.
64. The Council's Tree Section has considered the arboricultural information, including the additional information regarding the removal of a number of trees along the private drive, and is satisfied that the development proposals will be satisfactory in relation to their impacts on, and relationships with, the existing mature trees on the site, and along the private drive serving the site. The Council's Tree Officer therefore has no objections subject to a condition to ensure compliance with the submitted tree protection plan and the recommendations in the arboricultural report.
65. The Council's Tree Section has considered the arboricultural information, including the additional information regarding the removal of a number of trees along the private drive, and is satisfied that the development proposals will be satisfactory in relation to their impacts on, and relationships with, the existing mature trees on the site, and along the private drive serving the site. The Council's Tree Officer therefore has no objections subject to a condition to ensure compliance with the submitted tree protection plan and the recommendations in the arboricultural report.
66. The application also proposes additional landscape planting to supplement the existing planting. It is therefore considered that the development proposals can be satisfactorily absorbed into the wider landscape setting of this edge of settlement location.

Biodiversity

67. The site is currently in use as a commercial wood yard, however the prevailing mix of mature trees and hedges, combined with other generally undisturbed and unmanaged areas of the site, which are overgrown with grasses and shrubs, offers the potential for suitable habitat for a number of protected species, including reptiles, breeding birds and bats. The application is supported by a number of desk top and walkover surveys by a suitably qualified ecologist. The surveys have identified several bird boxes on the site, which may also be suitable for bats. There are also a number of structures on the site proposed for removal, however these are small open sided sheds for the storage of tools and chopped wood and are therefore considered to have no bat roost potential. Two water bodies are located within 500m of the site, however these are separated from the site by residential properties. These waterbodies have previously been surveyed by the commissioned ecologist and were found not to contain any Great Crested Newt. Therefore, although there is some suitable terrestrial habitat for Great Crested Newt on the site, the risk of Great Crested Newt being present on the site is considered low, due to the absence of breeding ponds within 500 metres of the site and the poor connectivity between the site and the those ponds which are present in the locality.
68. The application is supported by a number of protected species assessments, the conclusions of which confirm that the site is considered to be of low ecological value. Nevertheless, the proposed clearance of some areas of ground vegetation and selective tree felling has the potential to cause some disturbance to and loss of habitat. Whilst initial site surveys have not revealed the presence of bats or reptiles on the site, several wild birds are likely to use the site for foraging and breeding. The existing bird boxes may also be used by foraging bats at certain times of the year; likewise any tree felling proposals could have potential to impact on bat habitat.
69. An updated reptile survey has taken place in April 2016 which has confirmed that there are no reptiles present on the site.
70. The updated Ecological Appraisal and updated Reptile surveys contain a number of recommendations with respect to the timing of clearance of vegetation and further checks of bird boxes and trees prior to on site works and / or selective tree felling.

71. The proposals also provide an opportunity for a number of biodiversity enhancements, and these, together with the other protected species safeguards set out in the supporting reports can be secured by way of a suitable planning condition.
72. The Council's Ecology officer has been consulted, and re-consulted on the updated surveys, and has no objections, subject to controlling the timing of vegetation clearance and securing an appropriate ecological enhancement and management scheme.

Housing Density

73. The site measures 0.6 hectares in area. The development equates to a density of 13 dwellings per hectare. This density is low, and whilst it would conflict with the higher density requirement of at least 40 dwellings per hectare sought for more sustainable villages by Policy HG/1 of the LDF, only limited weight can be given to this particular policy in light of the housing shortfall. In any case, a lower density scheme is considered to be more appropriate for this edge of settlement site, taking account of factors such as the mature perimeter planting, private drive access arrangement, neighbouring properties and the adjacent listed building. It is considered that a higher, more policy-compliant density would be unsuitable and potentially harmful for this particular site, therefore the density proposed strikes the right balance.

Affordable Housing

74. Policy HG/3 of the adopted Development Plan seeks the provision of 40% of housing on residential development schemes of 2 or more dwellings, which is proposed to be carried through into Policy H/8 of the emerging Local Plan. The application proposes a commuted sum for provision off-site. Whilst on-site provision would be preferable, as referenced by the Council's Urban Design consultee, the applicant has approached three Registered Providers and there is no interest in acquiring 2 on-site affordable units which could in theory be delivered on site. The Council is also a Registered provider but in this case the Council's Housing Team has confirmed that off-site provision would be acceptable.
75. It should be noted that recent amendments to the Government's National Planning Practice Guidance outlines that developer contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account. In the case of this current application, contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.
76. Notwithstanding this recent change, in this case the applicant is still agreeable to meeting his developer obligations required under the now superseded policy.

Housing Mix

77. The application proposes a mix of house types and sizes, in accordance with the requirements of Policy HG/2 of the adopted Local Plan and Policy H/8 of the emerging Local Plan. This includes 2, 3, 4 and 5-bed properties. It is anticipated that the scheme will help to meet a variety of housing needs and demands in the locality. The

house types proposed accord with Policy H/11 Residential Space Standards for Market Housing in the emerging Local Plan.

Developer Contributions

78. Adopted Local Plan policies require developer contributions to be made in relation to the scale of development proposed. The developer has confirmed agreement to meet these particular obligations. Their delivery can be secured by way of a legal agreement (see Heads of Terms Template in the attached appendix). These include financial contributions for the provision of off-site open space (extension and refurbishment of the sports pavilion on the recreation ground), off-site equipped children's play space (refurbishment of older existing equipment), off-site indoor community space (new building for community meeting rooms), household waste and S106 monitoring.
79. It should be noted that recent amendments to the Government's National Planning Practice Guidance outlines that developer contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account. In the case of this current application, contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.
80. Notwithstanding this recent change, in this case the applicant is still agreeable to meeting his developer obligations required under the now superseded policy.

Design Considerations

81. Section 7 of the National Framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, paragraph 58 of the NPPF states that developments should, amongst other things, add to the overall quality of the area, establish a strong sense of place, respond to local character and history, reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation, and be visually attractive with appropriate landscaping. These aspirations are echoed in policies DP/2 and HQ/1 of the adopted and emerging Local Plans respectively and the District Design Guide.
82. A considered approach to the layout, design, scale and detailed appearance of the proposals is evident, reflecting a desire to reflect the design philosophy and principles adopted on the neighbouring development of Locksley House and Saxfield House.
83. The application site is largely self-contained and well-screened, and whilst having the capacity to absorb a potential variety of architectural styles, the applicants have adopted a traditional approach which works well on the site.
84. The scheme sets the proposed dwellings a considerable distance away from any existing neighbouring properties within an attractive landscaped setting, in amongst the existing mature planting.
85. The scale and massing of the proposed buildings is domestic in nature and the scheme proposes the impression of a principal farmhouse associated with a range of

ancillary buildings.

86. Conditions to control materials, hard and soft landscaping and boundary treatments will ensure a satisfactory finish to the development.
87. The Council's Urban Design officer has been consulted and notes that the site is heavily screened by mature trees and planting and already contains some structures associated with its current use as a timber yard, so the development proposals are considered acceptable. The Design officer also comments that the impact of extra traffic on existing houses, primarily Locksley House and Saxfield House has some potential to be detrimental and therefore should be fully considered. This is covered in the Residential Amenity Section below. The Design officer confirms that the layout, scale, massing and density are appropriate for this location and consideration should be given to securing an appropriate refuse strategy for the site.

Residential Amenity

88. The Parish Council and several local residents have expressed concerns about the impact of the proposals on privacy and residential amenity. A principal concern is the impact of additional traffic using the private drive to access the main body of the site and a perceived likelihood of increased nuisance and disturbance as a consequence of additional traffic. The owners of Locksley House have also expressed concern that the submitted particulars do not accurately reflect the position of their property (as extended) on the ground and the close proximity of their porch to the private drive. Their children also play on the private drive and will come into conflict with additional traffic.
89. When considering the impact of the proposals on residential amenity, a judgement needs to be made taking account of the established use of the application site as a commercial wood yard, and the potential and likelihood for this land use to generate and continue to generate traffic movements and other within site activities with the potential for associated noise nuisance and disturbance. This prevailing land use and the background environment which it creates are considered to be an important material planning consideration.
90. The existing wood yard has been in operation in excess of 25 years and activities include deliveries of wood, sawing and chopping, storage, loading and unloading. Whilst there are some restrictions on the times when wood can be sawed and cut (08.30 – 12.30 on Mondays to Fridays between 1st April and 31st October and 08.30 – 16.00 on Mondays to Fridays between 1st November and 31st March) there are no restrictions on the scale and intensity of the operations in terms of employee numbers, the amount or type of traffic movements or the expansion of the activities onto other parts of the site. Likewise there are no general hours of operation restrictions other than in relation to sawing and cutting and sawing of wood, therefore it is feasible that other on-site activities, such as loading and unloading could take place at all times.
91. It is noted from some local representations that the existing operation is considered to be small in scale and there are no known complaints to the Council's Environmental Health Section about noise nuisance and disturbance associated with this land use.
92. The application proposals are themselves considered to be small in scale, comprising a modest development of 6 properties. It is unlikely that this scale of residential development would be likely to generate traffic movements and / or other on-site movements and pedestrian / cycle movements along the private drive of an amount

and / or frequency which would be likely to be materially different or more harmful to that which currently prevails in relation to the wood yard operations, or which could in theory occur as a consequence of an unrestricted increase in the scale of these consented commercial operations.

93. The application proposes a small scale domestic land use which is no different to the existing residential land uses located on Cox's Drove and Cow Lane, therefore it is difficult to agree that this proposal would be materially different or more harmful in terms of its domestic nature and characteristics compared to the remainder of this residential neighbourhood. Whilst it is inevitable that there will be an increase in traffic movements to and from the site, particularly at AM and PM peak times, the increase is not considered to be so significant as to be harmful. The submitted traffic information sets out that the development would be anticipated to generate some 36 car movements per day (18 arrivals and 18 departures). This volume of traffic movement is not considered to be excessive or harmful to residential amenity, taking account of the existing commercial use of the application site.
94. It is acknowledged that Locksley House has a close physical proximity and relationship with the existing private drive, incorporating an open plan frontage with no delineated defensible space, however that is already the case in relation to passing traffic associated with the wood yard and the neighbouring property Saxfield House. Other properties in the locality are also located at back edge of footpath and / or edge of carriageway positions relative to passing vehicular and pedestrian traffic, therefore this is not an unusual or uncommon scenario.
95. In one regard, the proposal to cease the operations of the existing wood yard has the potential to be regarded as a planning gain for local residential amenity, although it is acknowledged that this is an established land use which neighbours may be familiar and entirely comfortable with.
96. Taking account of the nature and scale of the development proposals, and the likelihood for infrequent and staggered movements along the driveway as opposed to regular and intensive movements, notwithstanding the genuine concerns expressed by neighbouring residents about loss of amenity, it is considered that it would be very difficult to substantiate a reason for refusal on this ground.
97. The applicant has submitted a Technical Note in relation to traffic movements associated with the proposed land use. This outlines that the proposals would be anticipated to generate some 36 car movements per day (18 arrivals and 18 departures). The technical note accepts that a total of 51 movements would be feasible, taking account of other traffic such as deliveries etc, but this additional amount would be less frequent.
98. It is accepted that anticipated movements of between 36-51 movements per day would be likely to exceed those of the current wood yard, however as already referred to above, there are no controls over the use, frequency, intensity or vehicle type associated with this established commercial land use. Weight must be attached to this material consideration in the planning balance.
99. Other residents have expressed concerns about the potential for car lights to cause nuisance when using the driveway, however this would already be the case for those currently using the access and the use of the access by the wood yard traffic.
100. In terms of other potential residential amenity implications, such as overbearing impacts, direct overlooking and loss of daylight and sunlight, the proposals are

considered to be satisfactory in all regards, taking account of the layout, orientation and size and scale of the properties, combined with the fact that the site is well-screened by mature planting which is to be retained.

101. The Council's Environmental Health Section has been formally consulted and has no objections subject to conditions to protect neighbouring residential amenity during the construction phase and any future lighting scheme.

Highway Safety

102. The application is supported by a Transport Statement and a supplementary Technical Note, which conclude that from a locational perspective the site is highly accessible and sustainable to services and facilities by transport modes other than the private car. Moreover, from an access, parking, manoeuvring and overall highway safety perspective, the transport engineers conclude that the proposals are satisfactory, subject to some improvements to the width of the existing private driveway and some off-site highway improvements at the junction with Cox's Drove.
103. Local concerns have been expressed about the adequacy of the existing access to accommodate and cater for the proposed development, including concerns about the width and specification of the carriageway, the inability for two vehicles to pass and conflict between cars, pedestrians, cyclists and children who play on the quiet private drive. The presence of two tight, blind corners and unsatisfactory visibility splays at the junction with Cox's Drove and Cow Lane are particular local concerns.
104. The County Highways Authority has outlined that some off-site remedial works to the bank at the junction of the private drive with Cox's Drove are required to enable the required visibility splays to be achieved and this area should be kept clear of all planting, fencing, walls etc exceeding 600mm high. Conditions are advised relating to the falls and levels and construction material of the driveway and provision of a footway link to Fulbourn village along the entire length of the proposed internal 5.5m carriageway to the existing public highway and a scheme for the management of construction traffic. An informative is also advised regarding works within the public highway, in the interests of highway safety. Highway Control has also advised that the road is unlikely to be adopted.
105. The scheme proposes a small scale residential development and an informal shared surface arrangement is proposed which gives equal priority to vehicles and pedestrians. The nature of the driveway, with an S-bend with two corners is likely to act as a natural traffic calming measure and the shared surface arrangement appears to function satisfactorily in relation to the existing commercial wood yard and 3 (no.) residential properties which share and use the access. A new stretch of footpath connecting the Cox's Drove access to Cow Lane is advised by Highway Control and this can be secured by a planning condition.
106. Despite the obvious and clear local concerns expressed, the proposed access arrangements are considered to be satisfactory from a highway safety perspective, in terms of vehicular, pedestrian and cycle generation and usage and in relation to connection with the wider public highway.
107. From an operational perspective, the scheme includes a with-site turning head for emergency and delivery vehicles and off-street parking to serve all of the properties.

Loss of Existing Employment Land Use

108. Policy ET/6 of the adopted LDF and Policy E/14 of the emerging Local Plan seek to safeguard the loss of rural employment land uses from non-employment uses.
109. These are considered to comprise housing supply / restriction policies and should therefore not be considered up to date in light of the current shortfall in housing. Nevertheless, a degree of weight should be given to these policies in the planning balance, taking account of the need to promote and sustain rural employment opportunities and in light of the concerns expressed in some representations about the loss of the existing wood yard.
110. It is understood that the existing wood yard employs two local people on a full time basis. Whilst it is by no means a large operation, it provides valuable employment for two local people and their dependent families and has the capacity to employ others, albeit additional employees would be unlikely to be significant.
111. The existing and emerging policies seek to resist the loss of rural employment sites to other uses, unless it can be demonstrated that the site is inappropriate for continued employment use, including evidence of marketing of the site for commercial purposes for a period not less than 12 months, or the overall benefit to the community of the proposal outweighs any adverse effect on employment opportunities, or the existing use is generating unacceptable environmental problems.
112. Objectors have highlighted that there is no evidence of a marketing exercise, however Policy ET/6 does not state that this is a compulsory policy requirement. Proposals are capable of satisfying Policy ET/6 for example under the other two criteria of this policy, notably (b) if the overall benefits to the local community of the proposed development outweigh the loss of the existing employment activity, or (c) if the existing use is generating environmental problems.
113. There is no suggestion that the existing use is generating environmental problems, but it is reasonable to say that there could be a degree of planning gain from the cessation and removal of the land use which includes the sawing and chopping and storage and distribution of wood, and which in theory could be intensified without consent. Conversely, some locals may regard the wood yard as a compatible activity.
114. The wood yard employs only a small number of people and therefore, taking account of the fact that there is a shortfall in housing supply and that Policy ET/6 is a restrictive housing policy, and factoring in the overall community benefits that the application proposals would bring, in terms of employment for the construction industry and allied trades, support for local services and facilities and the affordable housing and other developer contributions to be generated, it is considered, on balance, that the loss of the business, whilst unfortunate, would be acceptable in planning policy terms.
115. Whilst accepting that it would be a difficult logistical operation, it would be feasible for the wood yard to relocate and remain operational, and this could be a compulsory requirement at the end of the operator's tenancy in any case.
116. In terms of wider employment opportunities for the future residents of the proposed dwellings, there is a proposed new employment allocation of 6.9 hectares at Fulbourn Road East (Policy E/2 of the Submission Draft Local Plan) located nearby, likewise the Policy E/7 Fulbourn and Ida Darwin Hospitals site in the emerging Local Plan. There are also several other employment opportunities in the wider locality, therefore the loss of the application site to housing is not considered to result in a significant

loss of employment land and opportunity.

Impacts on Heritage Assets

117. In relation to preserving the settings of Listed Buildings, Section 66(1) of the Listed Buildings and Conservation Areas Act (1990) provides:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.

118. In relation to Conservation Areas Section 72(1) of the Act provides:

“ . . . special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

119. Paragraph 132 of the NPPF, in the section dealing with the conservation and enhancement of the historic environment, states:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”.

120. Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm or to a total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

121. Paragraph 134 of the NPPF says that “(where) a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

122. Recent planning case law has confirmed that having “special regard” to the desirability of preserving the setting of a listed building under section 66, and paying “special attention” to the desirability of preserving or enhancing the character and appearance of a conservation area under section 72, involves more than merely giving weight to those matters in the planning balance.

123. In particular, case law has confirmed that “Preserving” in the contexts of both Listed Buildings and Conservation Areas means doing no harm.

124. Moreover, there is a statutory presumption, and a strong one, against granting planning permission for any development which would fail to preserve the setting of a listed building or the character or appearance of a conservation area. A finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. Even if harm is considered to be “less than substantial” then

“considerable importance and weight” to the desirability of preserving and or enhancing should be applied.

125. In the context of considering this application, a judgement must be made as to whether the development proposals would cause any harm to either the setting of the adjacent Listed Building (28 Cow Lane) or the Fulbourn Conservation Area, having regard to the statutory duty to have special regard to the desirability of preserving the settings of both the Listed Building and the Conservation Area.
126. If there is harm, a judgement needs to be made as to whether this harm is substantial (including total loss of significance of a heritage asset) or less than substantial. Where harm is identified, the overarching statutory duty requires considerable weight to be given to preservation, and a strong statutory presumption against development should apply.
127. The application site does not contain any designated heritage assets; however the Heritage Assessment submitted with the planning application, and the formal responses of a number of consultees confirms that there are both designated and undesignated heritage assets adjacent to the site, as follows: -

Designated Assets

- (i) Rose Cottage, 34 Cow Lane – Grade II Listed Building
- (ii) 28 Cow Lane – Grade II Listed Building
- (iii) Fulbourn Conservation Area

Non-Designated Heritage Assets

- (iv) Holly Lodge, 44 Cox’s Drove – 19th century house with a large plot set within historic tree planting

Rose Cottage, 34 Cow Lane

34 Cow Lane is a Grade II Listed building.

128. Section 66(1) of the Listed Buildings and Conservation Areas Act requires the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case it is the setting of this Listed building which must be preserved.
129. The applicant’s Heritage Statement outlines that 34 Cow Lane and its garden are located some 60m south west of the application site, separated from it by 28 Cow Lane and a number of gardens to the rear of properties fronting Cow Lane. In addition, the proposed development is located on the north side of the application site, leaving the south side open and undeveloped.
130. Taking account of these factors, including the separation distance between the application site and 34 Cow Lane, combined with the detailed approach to the layout, scale, appearance and landscaping of the site, it is considered that there would be no harm to the setting of 34 Cow Lane and therefore preservation of setting would be secured, in accordance with the statutory duty under section 66(1) of the Listed Buildings and Conservation Areas Act (1990).

28 Cow Lane

131. 28 Cow Lane is a Grade II Listed building.

Section 66(1) of the Listed Buildings and Conservation Areas Act requires the local planning authority to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case it is the setting of this Listed building which must be preserved.

132. The applicant's Heritage Statement outlines that 28 Cow Lane sits centrally within its plot, with space around it. The front elevation faces west and the rear elevation faces east into its garden.

133. The main body of the application site adjoins the eastern boundary of the rear garden, some 30m to the rear of the Listed building. The access lane from Cox's Drove serving the proposed development will be shared with the Listed building.

134. Whilst the proposals do include the removal of some trees along the private drive to facilitate two-way passing of vehicles, which may expose more of the front elevation of this listed building to view from the private drive, it is not considered that these tree removals would harm the setting of this particular listed building. The Council's Historic Buildings Officer confirms that the tree removals and the overall development within the main body of the site would not cause harm to the setting of this building. The proposed development will remain well screened from 28 Cow Lane by existing and proposed new planting.

Fulbourn Conservation Area

135. Section 72(1) of the Listed Buildings and Conservation Areas Act places a duty on the local planning authority that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, including its setting.

136. The application site is not located within the Conservation Area. The application site is located behind development fronting Cow Lane and Cox's Drove. This reduces the connectivity of the application site, both physically and visually from the Conservation Area.

137. The applicant's Heritage Statement outlines that the application site is located 80m from the Conservation Area at its closest point with Cow Lane, and 60m at its closest point with Highfield Gate. In both instances, the applicant contends that the relationships are physically and visually separated by built form and private gardens, to the extent that there are no direct relationships between the site and the setting of the Conservation Area. Moreover, development along the north side of Cow Lane comprises closely-spaced detached dwellings, therefore glimpses through these existing dwellings to the application site beyond are very limited and cannot be considered to contribute to the setting of the Conservation Area.

138. In addition, the application proposals are for a low-density development, incorporating a scale and height of buildings reflective of the locality. Moreover, the application proposes retention of the mature boundary planting which currently surrounds the site.

139. Taking account of the location of the application site relative to the Conservation Area, the intervening built development on Cow Lane, Cox's Drove and Highfield Gate, and the detailed layout, scale, appearance and landscaping of the proposals, it is

considered that there would be no harm to the setting of the Conservation Area and therefore preservation of setting would be secured, in accordance with the statutory duty under section 72(1) of the Listed Buildings and Conservation Areas Act (1990).

Holly Lodge, 44 Cox's Drove

140. This property is a non-designated heritage asset, possessing some architectural and historic interest set within a heavily landscaped setting. This property is located to the north west of the main body of the application site. Mature trees line the northern boundary of the application site and define the extent of the rear garden to this property and thus its setting. The combination of the presence of the substantial boundary tree coverage, combined with the separation distance of plot 1 (which is of single storey scale) is considered such that there will be no harm to the setting of this designated Heritage Asset.

Archaeology

141. The application site is in an area of known archaeological sensitivity.
142. The application is supported by a Desk Based Assessment and Archaeological Evaluation Report. Assessments have extended to include a number of on-site trial trenches. A small assemblage of finds of Roman and Saxon origin has been uncovered. The County Archaeologist has been formally consulted and has confirmed that the trench-based evaluation indicates that multi-period remains are present. No remains are considered to be of national importance and so there are no objections to the proposals on archaeological grounds. However, development impacts should be mitigated through prior archaeological excavation, reporting (including publication of the results if appropriate) and be appropriately archived. A standard condition is advised.

Landscape, Including Impact on Setting of the Green Belt

143. Policy GB/3 of the adopted LDF and Policy NH/ of the emerging Local Plan seek to mitigate the impact of development adjoin the Green Belt.
144. The application site is located outside of the Green Belt but the site adjoins the Green Belt on its northern and eastern sides.
145. The existing and emerging policies require development proposals in the context of adjoin the Green Belt to be located and designed so as not to have adverse effects on the rural character and openness of the Green Belt. Where schemes are permitted, they will be required to have landscaping schemes secured through condition, including maintenance in perpetuity.
146. The application site benefits from good levels of mature screening on its northern and eastern boundaries and therefore is not exposed in wider views within the Green Belt. Consequentially it is considered that, subject to the retention of this planting on the northern and eastern boundaries there will be no adverse effect on landscape character or openness. A condition is therefore recommended requiring retention and maintenance in perpetuity of a quality landscaping for the whole site, particularly for the northern and eastern boundaries.

Contamination

147. The site has a history of use as a commercial wood yard, which remains operational. As a consequence there is some potential for the site to be contaminated.
148. The application is supported by a preliminary geo-environmental risk assessment report. This concludes that, based on the historic and current use of the site, contamination sources and linkages are considered to be low. Nevertheless, an intrusive investigation is recommended to confirm the presence of any contaminants and a suitable remediation / mitigation strategy devised and verification report prepared if necessary.
149. The Council's Scientific Officer has been formally consulted and has no objections subject to a standard condition to secure further intrusive investigation, remediation and verification.

Drainage

150. Foul water will be discharged to the existing local mains infrastructure. Top water will be discharged to ground based soakaways. The prevailing chalk substrata would indicate that the site drainage well. Conditions are advised to agree full details of foul and surface water drainage.

Conclusion

151. In considering this application, the following relevant adopted development plan policies are to be regarded as 'out of date' while there is no five year housing land supply:

Core Strategy

ST/2 (Housing Provision)
ST/3 (Re-Using Previously Developed Land and Buildings); and
ST/4 (Rural Centres)

Development Control Policies

DP/1 (Sustainable Development)
DP/7 (Development Frameworks)
GB/3 (Development Adjoining the Green Belt)
HG/1 (Housing Density)
HG/2 (Housing Mix)
ET/6 (Loss of Rural Employment to Non-Employment Use)
NE/6 (Biodiversity)
CH/2 (Archaeological Sites)
CH/4 (Setting of Listed Buildings)

Emerging Submission Local Plan

S/7 (Development Frameworks)
S/9 (Minor Rural Centres)
NH/2 (Landscape Character)
NH/4 (Biodiversity)
NH/8 (Development Adjoining the Green Belt)
NH/14 (Heritage Assets)
H/7 (Housing Density)
H/8 (Housing Mix)
H/11 (Residential Space Standards), and

E/14 (Loss of Rural Employment to Non-Employment Use)

152. This means that where planning permission is sought which would be contrary to the policies listed above, such applications must be determined against paragraph 14 of the NPPF.
153. The proposed development raises relatively few technical concerns and accordingly little weight can be given to the above 'out of date' policies, although it is acknowledged that the development will result in the loss of an existing employment land use and will have some impacts on the amenities of existing local residents. However these concerns must be weighed against the following benefits of the development:
- i) The provision of 6 additional dwellings and their contribution towards the 1400 dwellings required to achieve a 5 year housing land supply in the district based on the objectively assessed 19,000 dwellings target set out in the SHMA and the method of calculation and buffer identified by the Inspector in the recent Waterbeach Appeal decisions.
 - ii) The provision of 2 affordable dwellings towards the need of 1,700 applicants across the district, to be secured off-site through a commuted sum.
 - iii) Developer contributions towards public open space and community facilities in the village.
 - iv) Suitable and sustainable location for this scale of residential development given the position of the site in relation to access to public transport, services and facilities and local employment.
 - v) Employment during construction to benefit the local economy.
 - vi) Greater use of local services and facilities to contribute to the local economy and improve their sustainability.
154. The adverse impacts of this development identified by the local Parish Council and local residents are not considered to significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole which aim to boost significantly the supply of housing and which establish a presumption in favour of sustainable development in the context of the lack of a 5-year housing land supply. Planning permission should therefore be granted because material considerations clearly outweigh the limited harm identified and the conflict with out of date policies of the LDF relating to housing delivery.
155. In addition, it is considered that there will be no harm to the settings of adjacent heritage assets and thus their settings will be preserved, in accordance with the duty prescribed under section 66(1) of the Listed Buildings Act, 1990.

Recommendation

156. Defer and delegate approval subject to the expiry of publicity advertising the application as a departure from the Development Plan, and then subject to the following conditions:

Conditions

- (i) 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.)Approved Plans.

- (ii) The development hereby permitted shall be carried out in accordance with the following approved plans:

- CAPL/260629/A6/002/CF/RW/02.04.15 – Red Line Plan
- P346-B – Proposed Block Plan
- DWG No. 10 – Proposed Site Access
- TR01 Rev 1 – Swept Path Analysis
- P346-2 – Units 1 & 2 – Proposed Floor Plans
- P346-9 – Units 1 & 2 – Proposed Elevations (Southern & Western)
- P346-10 – Units 1 & 2 – Proposed Elevations (Eastern & Northern)
- P346-3B – Units 3 & 4 – Ground Floor Plans
- P346-4B – Units 3 & 4 – First Floor Plans
- P346-11A – Units 3 & 4 – Proposed Elevations (Eastern & Southern)
- P346-12A – Units 3 & 4 – Proposed Elevations ((Western & Northern)
- P346-13B – Unit 4 – Proposed Elevations (Western & Eastern)
- P346-5B – Unit 5 – Proposed Ground Floor Plan
- P346-6C – Unit 5 – Proposed First Floor Plan
- P346-14B – Unit 5 – Proposed Elevations (Southern & Western)
- P346-15B – Unit 5 – Proposed Elevations (Northern & Eastern)
- P346-7B – Unit 6 – Proposed Ground Floor Plan
- P346-8A – Unit 6 – Proposed First Floor Plan
- P346-16B – Unit 6 – Proposed Elevations (Northern & Western)
- P346-17A – Unit 6 – Proposed Elevations (Southern & Eastern)
- Tree Protection Plan Rev B, Dated 16/02/16, by Andrew Belson
- Arboricultural Implications Plan, Rev B, Dated 16/02/16, by Andrew Belson.

(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

- (iii) 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.)Landscaping.

- (iv) 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 (which must include the retention of existing trees and hedgerows on the northern and eastern boundaries of the site), 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.)Boundary Treatments.

- (v) 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.

- (vi) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans (Tree Protection Plan B, by Andrew Belson, dated 16 February 2016) and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from [the date of the first occupation of the dwellings hereby approved].

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant British Standard.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)

- (vii) The development shall be implemented in accordance with the contents and recommendations set out in the approved Arboricultural Implications Assessment and Method Statement by Andrew Belson, updated February 2016, unless otherwise agreed in writing with the Local Planning Authority.

(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)

- (viii) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment [for each dwelling] shall be completed before that/the dwelling is occupied in accordance with the approved details and shall thereafter be retained.

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

- (ix) The development shall be implemented in accordance with the recommendations set out in the Arboricultural Method Statement prepared by Andrew Belson and the accompanying tree protection plan (Drawing 2380, dated 16/02/2016).

(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.)

- (x) No development shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. 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.)

- (xi) Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority.

(Reason - To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

- (xii) 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.) Falls and Levels and Drainage and Construction of Access Road

- (xiii) 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.)

- (xiv) No development shall commence until a detailed scheme for the provision of on and off-site highway improvement works has been submitted to and agreed in writing by the local planning authority. These details shall include details of remedial works on Cox's Drove and Cow Lane to enable the required visibility splays to be achieved. The details shall include details of areas to be kept clear of all planting, fencing, walls and the like exceeding 600mm. The development shall proceed in accordance with the approved details.

(Reason – In the interests of highway safety).

- (xv) No development shall commence until a detailed scheme for the provision of a footpath link from the junction of the private drive access with Cox's Drove and Cow Lane has been submitted to and agreed in writing by the local planning authority. The development shall proceed in accordance with the approved details.

(Reason – In the interests of highway safety).

- (xvi) The proposed access shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.

(Reason – In the interests of highway safety).

- (xvii) The proposed access shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.

(Reason – In the interests of highway safety).

- (xviii) No demolition or construction works shall commence until a traffic management plan has been agreed with the Local Planning Authority in consultation with the Highway Authority. The principal areas of concern that should be addressed are: -

- (1) Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway).
- (2) Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on street.
- (3) Movements and control of all deliveries (all loading and unloading should be undertaken off the public highway).
- (4) Control of dust, mud and debris).

(Reason – In the interests of highway safety).

- (xix) No construction site machinery or plant shall be operated, no noisy works shall be carried out and no constructed related deliveries taken at or despatched from the site except between the hours of 0800 – 1800 Monday to Friday, 0800 – 1300 Saturday and at no time on Sundays or Bank or Public Holidays.

(Reason – In the interests of residential amenity)

- (xx) Should driven pile foundations be proposed, no development shall commence until a statement of the method for construction of these foundations shall be submitted to and agreed by the District Environmental Health Officer.

(Reason – In the interests of residential amenity).

- (xxi) Should any lighting be proposed, prior to installation an artificial lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting, security / residential lighting and an assessment of any impact on any sensitive residential premises on and off site as appropriate, shall be submitted to and approved in writing by, the local planning authority. This assessment / scheme shall include layout plans / elevations with luminaire locations annotated, full vertical and horizontal isolux contour maps at nearest residential premises, hours and frequency of use, a schedule of equipment in the lighting design (luminaire types / profiles, mounting height, aiming angles / luminaire profiles, orientation, angle of glare, operational controls) and shall assess artificial light impact in accordance with the Institute of Lighting Professionals “Guidance Notes for the Reduction of Obtrusive Light GN01:2011”. The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures unless the local planning authority gives its written consent to any variation.

(Reason: In the interests of residential amenity).

- (xxii) No development shall take place until a scheme for the siting and design of the screened storage of refuse has been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage [for each dwelling] shall be completed before that/the dwelling is occupied in accordance with the approved scheme and shall thereafter be retained.
(Reason - To provide for the screened storage of refuse in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)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 (a) - 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). Or

(Reason (b) – To prevent the increased risk of pollution to the water environment in accordance with Policy DP/1 of the adopted Local Development Framework 2007).

(xxiii) No development shall take place on the application site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

(Reason - To secure the provision of archaeological excavation and the subsequent recording of the remains in accordance with Policy CH/2 of the adopted Local Development Framework 2007.)

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

(a) Affordable housing

(b) Open space

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.

- National Planning Policy Framework (NPPF)
- South Cambridgeshire Local Development Framework Core Strategy DPD 2007

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014

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