

## JOINT DEVELOPMENT CONTROL COMMITTEE (CAMBRIDGE FRINGE SITES)

Report by: Head of Planning Services

Date:

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<b>Application Number</b>	S/2296/14/OL	<b>Agenda Item</b>	
<b>Date Received</b>	29 September 2014	<b>Officer</b>	David Thompson
<b>Target Date</b>	04 December 2014		
<b>Parishes/Wards</b>	Fen Ditton		
<b>Site</b>	Orchard House, High Ditch Road, Fen Ditton Cambridge		
<b>Proposal</b>	Outline planning permission for the erection of 2 dwellings, demolition of existing garage, alterations to the existing access and the creation of 2 new vehicular accesses.		
<b>Applicant</b>	Mr and Mrs M. Bates		
<b>Recommendation</b>	Approval		
<b>Application Type</b>	Minor	<b>Departure:</b>	No

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## APPENDICES

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A	Location and Relevant Plans

### 0.0 INTRODUCTION

- 0.1 The application site is located within land identified for an urban extension of Cambridge under the Cambridge East Area Action Plan (AAP) and allocated for development by the City Council's Local Plan and the District Council's Local Development Framework. As a result of this allocation the site is no longer designated as green belt. Although there are no proposals for the relocation of Cambridge airport, which would allow the wider AAP site to come forward, the allocation for the wider area is still proposed under the emerging local plans of both Councils.
- 0.2 The application is being reported to the Joint Development Control Committee for determination as under the Terms of Reference / Scheme of Delegation as there are representations from Fen Ditton Parish Council that are contrary to the officer recommendation for approval.

## **1.0 SITE DESCRIPTION/AREA CONTEXT**

1.0 The existing site comprises one large detached dwelling, set within a relatively large plot, which is accessed from High Ditch Road. The site is located outside of the Fen Ditton development framework, the boundary of which is approximately 1.6 kilometres to the west.

1.1 The site is no longer within the Green Belt but the open land to the north (opposite side of High Ditch Road) remains designated as Green Belt. To the south of the site the land is proposed to accommodate allotments and sports pitches to serve the proposed Wing development of up to 1,300 homes, which is proposed on land north of Newmarket Road.

## **2.0 THE PROPOSAL**

2.1 The applicant seeks outline planning permission (with all matters reserved) for the erection of 2 dwellings on the site.

2.2 The following details have been submitted with the application:

- An indicative proposed site plan
- Design and Access Statement
- Heads of Terms relating to the Section 106 Agreement

2.3 In terms of the validation requirements, regulations introduced in January 2013 removed the requirement for an applicant to provide details of the layout and scale of the proposal if these matters are reserved. As all matters have been reserved in this case, the plans provided are for indicative purposes only but do include details of the height and scale of the proposed dwellings.

## **3.0 RELEVANT SITE HISTORY**

3.1 Planning permissions have been granted for extensions to the property although these are not considered directly relevant to the determination of this application.

3.2 S/2682/13/OL – Outline application for up to 1,300 homes and associated facilities and infrastructure (Wing), land north of Newmarket Road. Not yet determined.

3.3 C/0955/64 - Outline planning permission was refused and appeal dismissed for residential development on the site (the site was within the Green Belt at that time).

## **4.0 PUBLICITY**

4.1 Advertisement: Yes  
Adjoining Owners: Yes

Site Notice Displayed:

Yes

## **5.0 POLICY**

### **5.1 National Planning Policy Framework (2012) and National Planning Practice Guidance (2014)**

The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England. These policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The document was published on 27 March 2012 and immediately became a material consideration for planning applications. It replaces PPGs and PPSs, and other guidance. The document encourages positive, balanced decisions, emphasizes the primacy of the development plan and local decision making.

On 6 March 2014 the Department for Communities and Local Government (DCLG) launched a national planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

### **5.2 Cambridge East Area Action Plan**

CE/1 Vision

CE/2 Development Principles

CE/3 The site for Cambridge East

CE/7 Cambridge East Housing

#### **Core Strategy DPD (January 2007)**

ST/1 Green Belt

#### **Development Control Policies DPD (July 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

HG/1 Housing Density

HG/2 Housing Mix

HG/3 Affordable Housing

NE/1 Energy efficiency

NE/6 Biodiversity

NE/9 Water and Drainage Infrastructure

NE/10 Foul Drainage

NE/15 Noise Pollution

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

SF/11 – Open Space Standards

TR/2 - Car and Cycle Parking Standards

### **Draft Local Plan**

SS/3 –This policy would replace Policies CE/3 and CE35 of the AAP and safeguards land at Cambridge East for development in the longer-term beyond 2031 but allows for residential development to come forward within the Plan period subject to adoption

S/7 Development Frameworks

HQ/1 Design Principles

H/7 Housing Density

H/8 Housing Mix

H/9 Affordable Housing

H/11 Residential Space Standards for Market Housing

NH/4 Biodiversity

SC/4 Meeting community needs

SC/6 Indoor community facilities

SC/7 Outdoor play space, informal open space and new development

TI/2 Planning for Sustainable Transport

TI/3 Parking Provision

## **6.0 EXTERNAL AND INTERNAL CONSULTATIONS**

### **External Consultations**

#### Cambridge County Council (Highways & Transportation)

No significant adverse effect on the Public Highway resulting from this proposal. No objections.

#### Marshall Group (as developers of the adjacent Wing site)

No objections raised.

### **Internal Consultees**

#### Trees

No objection raised.

#### Environmental Health

No objections raised – conditions recommended relating to the management of noise and dust during the construction process.

## **7.0 PARISH COUNCIL COMMENTS AND NEIGHBOUR REPRESENTATIONS**

#### Fen Ditton Parish Council

Object – the siting of the two new houses removes the rural nature of High Ditch Road beyond the shelter belt.

Cllr Turner, South Cambridgeshire District Councillor, has indicated his support for the application

## **8.0 ASSESSMENT**

8.1 From the consultation responses and representations received and from inspection of the site and the surroundings, the assessment has been structured under the following headings:

- Principle of Development
- Housing mix
- Affordable Housing
- Impact on the character of the area
- Impact on residential amenity
- Highway safety
- Trees/landscaping
- Changes to National Planning Policy Guidance

### **8.2 Principle of Development**

The land is beyond the development framework of Fen Ditton. The land is within the boundary of the Cambridge East Area Action Plan, and is allocated for housing. The Cambridge East Area Action Plan is the present development plan for this application site and policy CE/3 remains extant although Policy SS/3 of the emerging South Cambridgeshire Local Plan would supersede this and advice from Planning Policy officers is that some weight can be afforded to the emerging policy. Given that the proposal would be restricted to the boundaries of the existing single dwelling and that environmental health have not raised any concerns regarding noise generated by the airport use, it is considered that the proposal accords with the criteria of policy CE/3 and the emerging policy SS/3 and would not compromise the development of the wider area covered by the Area Action Plan. The principle of development is therefore considered to be acceptable.

### **8.3 Affordable housing**

The adopted development South Cambridgeshire (SCDC) Local Development Framework requires the provision of 40% affordable housing on sites where there is a net gain of two or more dwellings.

The Cambridge East Area Action Plan also requires 40% of dwelling in schemes to be affordable units.

This scheme seeks permission for two residential units and does not propose any affordable dwellings, contrary to the requirements of adopted policy.

However, the Action Plan is concentrated on the delivery of the wider Cambridge East development and the land surrounding the site. Given that policy CE/7 of the Action Plan refer to large scale numbers, it is not

considered appropriate to apply the criteria of that policy to this development. The erection of 2 units as proposed here would not compromise the ability to achieve the 40% target of affordable housing across the whole development area that the policy is referring to in any event.

Turning to the SCDC Local Development Framework, Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

Paragraph 216 of the NPPF advises that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The current development plan is proposed to be replaced by the emerging Local Plan, where draft policy H/9 relates to affordable housing and seeks to raise the threshold of affordable housing provision to sites of three or more dwellings.

The draft Local Plan has been approved by council for submission to the Planning Inspectorate for 'Examination in Public' and is therefore at an advanced stage in its preparation. In respect of unresolved objections, all the representations consider the proposed threshold of three dwellings too low (and seek to raise this). No representations seek to maintain (or lower) the current threshold of two dwellings and as such there are no unresolved objections to this draft policy as far as it relates to this application.

Although no detailed advice is provided on the threshold of affordable housing provision within the NPPF, it advises local planning authorities to approach decision-taking in a positive way to foster the delivery of sustainable development, and look for solutions and to approve applications for sustainable development where possible.

For these reasons officers are of the view that sufficient weight can be attributed to draft policy H/9 of the emerging Local Plan that approval of the application without affordable housing contributions would be acceptable in planning terms, assisting the delivery of small housing sites that would otherwise not come forward in the short term. The lack of

affordable housing on a scheme of this size is not considered to conflict with the policies of the Area Action Plan.

#### **8.4 Sustainability**

Although outside of the Fen Ditton village framework once the Wing development is built out the new dwellings would be nearer to the primary school, leisure and retail facilities that Wing is proposed to accommodate than those of Fen Ditton. With a new bridleway to the south of the site and an extension of the Jubilee cycleway to the east both proposed as a part of Wing there would be good pedestrian and cycle routes through to Wing's local centre. As such, it is considered that the proposed development is in a location that will meet the principle of sustainable development as defined in the NPPF.

#### **8.5 Density and housing mix**

Given the substantial size of the plot, the proposal for 2 dwellings would be significantly less than the 30 dwellings per hectare requirement of policy HG/1. Given the low density nature of the rural area, it is considered that there are exceptional circumstances in this case that ensure a lower density is appropriate in this location. The proposal does not conflict with policy HG/1 therefore.

In terms of housing mix, the current LDF policy (HG/2) suggests that at least 40% of properties in new development should be 1 or 2 bedrooms in size – equating to 1 of the 2 in this proposal. However, policy H/8 of the emerging Local Plan applies housing mix thresholds only to schemes of 10 or more dwellings.

Given that the objections received to the emerging policy are seeking further flexibility as opposed to less, it is considered that significant weight can be applied to the emerging threshold. On that basis, it is considered that the proposal could not be refused on the grounds that both properties are proposed to be four bedrooms, or larger, in size.

It is also considered relevant to consider the proposed Wing development, which would have an urbanising effect on the land to the south west of the development site. The retention of open space to the rear of the site would provide an adequate buffer to the allotments and sports pitches that are proposed directly to the south to serve Wing.

#### **Character of the site and surrounding area**

- 8.6 The site is situated in a relatively isolated location but is the westernmost of 3 neighbouring properties (Black House and Hardwicke House being the other two), which are also set in substantial plots. The site is therefore viewed within close proximity of these properties, which have similar accesses leading onto High Ditch Road.

The proposal would result in a greater density of development on the site but the indicative layout indicates that the plot is wide enough to accommodate the additional properties in the front part of the site, retaining large garden areas to the rear. This factor and the retention of relatively dense tree coverage on the northern boundary ensure that the rural character of the surrounding area would not be compromised by the proposal.

It is also considered relevant to consider that the allocation of a large area of land to the south for residential development in the future. The retention of open space in the rear portion of the site would provide an adequate 'buffer' to any future development and retain the more rural character of High Ditch Road.

- 8.7 The indicative 'frontage' view submitted with the application indicates that the property to the west of the existing dwelling would be similar in scale and design to the existing property, through the use of gables to the front elevation and a hipped roof form. The ridge height of the proposed property is shown as marginally below the existing dwelling.
- 8.8 The property to the east of the existing would have a split ridge height and would be less regular in design, with a lower eaves height. It is considered that the indicative scale is acceptable and would not result in a cramped form of development on the site when viewed from High Ditch Road.
- 8.9 The indicative position of the cart lodges to the serve the two proposed dwellings suggests that existing trees and hedgerows on the northern boundary would provide significant screening of these developments. This would soften the impact of development forward of the building line of the proposed properties to an acceptable degree.

### **Residential Amenity**

- 8.10 There are habitable room windows in the eastern elevation of the existing property. The only first floor window serves a bathroom however, which is not considered to be a habitable room. Given the separation distance to be retained to the corresponding elevation of the proposed property in the eastern portion of the site (11 metres) and the hipped design of the roof on the indicative plans, it is considered that the proposal would not result in a loss of amenity to the residents of the existing property or the proposed development.
- 8.11 There are no windows in the western elevation of the existing property. The garage is to be removed as part of the proposal however so this elevation and the corresponding elevation of the proposed dwelling to the west would need to remain blank or with openings that could reasonably be obscured to avoid unreasonable overlooking. This is considered possible to address through the layout of the scheme, which is to be dealt with at the reserved matter stage (should this application be approved).

- 8.12 The indicative site layout indicates that the proposed properties would be of similar depth to the main body of the existing dwelling and would be positioned to avoid unreasonable overshadowing of the rear elevations of either of the proposed properties or the existing.

### **Highway safety**

- 8.13 The indicative plans have shown visibility splays to be achieved from the separate accesses to serve the two proposed properties. The Highway Authority has indicated that they have no objection to the scheme. Adequate provision for on-site parking for both of the dwellings could be achieved in the indicative layout.

### **Trees/Landscaping**

- 8.14 The scheme is considered to retain the trees within the site that are of the highest amenity value (all but one of the trees in the rear portion of the site would be retained). None of the existing trees on the site are subject to Tree Preservation Orders (TPO's). Additional planting is proposed on the northern boundary which will result in comprehensive screening of the front part of the site and would compensate for the amenity value lost through the removal of trees in the front portion of the site, cleared to make way for the access and parking areas associated with the proposed dwellings.

### **Changes to National Planning Policy Guidance and Planning Obligations Requirements**

- 8.15. It is clear from the advice in section 8.3 of this report that officers are content that the proposal being considered does not conflict with affordable housing policy at a national or local level.

Policies DP/4 and SF/10 of the Local Development Framework requires applicants for residential development to make financial contributions for the provision of off-site infrastructure and open space. Policies SC/4, SC/6 and SC/7 of the emerging Local Plan would require similar contributions to be made. These contributions would be secured through section 106 agreements.

The National Planning Policy Guidance was revised on 28 November 2014 and states that neither affordable housing nor 'tariff style' planning obligations should be sought for small scale developments. Small scale within the context of residential development is considered to be 10 houses or less.

The National Planning Policy Guidance is a significant material consideration, which is considered to outweigh the provisions of the current LDF and the emerging Local Plan.

### **Other matters**

8.16 The Environmental Health Officer has not raised any objections to the scheme, subject to standard conditions relating to the control of construction hours. Method statements dealing with the control of traffic and the storage of materials during the construction process can also be secured by condition. No concerns relating to drainage of surface water or foul sewage drainage have been raised, these details shall also be secured by condition.

## 9.0 **CONCLUSION**

9.1 The principle of the erection of 2 dwellings in this location is considered to be acceptable, given the designation of the land as part of the wider development site covered by the Cambridge East Area Action Plan. It is considered that sufficient weight can be given to the emerging affordable housing policy of the draft South Cambridgeshire Local Plan to ensure that no provision of affordable housing is required in this scheme of two dwellings. The proposal is considered not to conflict with the policies within the Area Action Plan given the small scale of the scheme, despite the fact that no affordable housing is proposed.

9.2 Whilst all matters have been reserved, the indicative layout suggests that two properties of the size proposed could be located on the site without adversely affecting the character of the site or the surrounding area. Consideration of the layout and design of the elevations at the reserved matters stage would ensure that the proposed scheme would preserve the amenity of the residents of the existing property on the site and the amenity of the two proposed dwellings. The proposal does not give rise to concerns about the impact on highway safety or environmental health

## **10.0 RECOMMENDATION**

### **APPROVE S/2296/14/OL, subject to the following conditions:**

1. Approval of the details of the layout of the site, the scale and appearance of buildings, the means of access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
(Reason - The application is in outline only.)
2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
(Reason - The application is in outline only.)
3. The development hereby permitted shall begin no later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.  
(Reason - The application is in outline only.)
4. The development hereby permitted shall be carried out in accordance with the approved plans  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
5. i) No construction work and or construction collections from or deliveries to the site shall take place, other than between the hours 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 hours on Saturdays unless agreed in writing with the local planning authority. No construction works or collection / deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.  
ii) Prior to the development taking place the applicant shall provide the local authority with a report / method statement for approval detailing the mitigation measures to be taken to protect local residents construction noise and or vibration. Potential construction noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS5228: 2009 Code of practice for noise and vibration control on construction and open sites: Parts 1 Noise and 2 Vibration. Development shall be carried out in accordance with the approved details.  
(Reason: All to ensure the environmental impact of the construction of the development is adequately mitigated and to protect the amenities of nearby residential properties in accordance with South Cambridgeshire Local Development Framework Development Control Policies 2007, Policy NE/15 – Noise Pollution and DP/6 – construction Methods.)
6. 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.)

7. 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.)

8. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the:

- (a) highway boundary
- (b) back of the footway
- (c) edge of the carriageway

(Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

9. No demolition, site clearance or building operations shall commence until tree protection comprising weldmesh secured to standard scaffold poles driven into the ground to a height not less than 2.3 metres shall have been erected around trees to be retained on site at a distance agreed with the Local Planning Authority following BS 5837. Such fencing shall be maintained to the satisfaction of the Local Planning Authority during the course of development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with tree(s) of such size and species as shall have been previously 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.)

## **INFORMATIVES**

### **Construction / Demolition Informative**

During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

## Contact details

To inspect any related papers or if you have a query on the report please contact:

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R O N T A G E



S I T E P L A N

RECEIVED SDCD  
09 OCT 2014  
DEVELOPMENT CONTROL

TREE SCHEDULE  
T1-4/12 NEW TREES TO BE PLANTED  
T2-4/14 STRONG TREES TO BE MAINTAINED  
NEW TREES 1-4 TO BE PLANTED  
PARKING GARAGE (NEW CONCRETE)  
64-160m 40 LIGHTS



Rev'd TREE SCHEDULE 08.10.2014  
Rev'd OFFICIAL PLANNING APPLICATION 20.02.2014  
THE TRAM SHED, EAR ROAD, CAMBRIDGE, CB1 1BG  
Tel: 01223 519077  
Email: info@naassociates.co.uk

Client Mr & Mrs M BATES Date May 2013  
Project ORCHARD HOUSE HIGH DITCH ROAD Scale 1:200  
Drawing SITE PLAN Dwg. No. 13/1356: 001<sup>13</sup>

The drawing is copyright. Do not scan from this drawing. The contractor is responsible for reporting any inaccuracies to the Architect.