

Delegation meeting - Minutes

- **Date:** 9 March 2021
- **Time:** 11am to 12:30pm
- **Meeting held:** via Teams
- **Attendees:** Chris Carter (CC), Cllr Pippa Heylings (PH), Jane Rodens (JR), Charlotte Peet (CP)
- **Notes and actions:** Jemma Smith

Minutes approved by: Cllr Pippa Heylings (Vice Chair of Planning Committee – Consultee) on 11 March 2021, Chris Carter (Delivery Manager – Strategic Sites) on 11 March 2021

20/03105/FUL Mill Farm, Fowlmere Road, Fowlmere SG8 6EZ - Construction of a single storey dwelling (JR)

Reason for call-in request

Fowlmere Parish Council recommends refusal of this application.

The application is outside of the village envelope so would be contrary to Policy S/7, unless it could be demonstrated to be supported by other policies detailed within national policy or the Local Plan. If this cannot be conclusively demonstrated then the application should be refused. There is the risk of setting a dangerous precedent if a building is permitted in the proposed location and it is not fully compliant with national and local planning policy. As we set out below, we do not believe that the necessary criteria for developing in the countryside are met by the proposal.

It is our understanding that the applicant is suggesting that the proposed developed meets the standards set out in paragraph 79e of the NPPF, and by extension Policy H/15 in the Local Plan.

The NPPF states:

79. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

SCDC Policy H/15 Countryside Dwellings of Exceptional Quality states Outside the Green Belt, single new bespoke dwellings of exceptional quality will be permitted in the countryside providing all of the following criteria are met:

- a) The dwelling would reflect the highest standards in architecture, being recognised as truly outstanding or innovative;
- b) The dwelling would significantly enhance its immediate setting;
- c) The nature and size of the site, and the design of the dwelling, its landscaping and location on site are sensitive to the defining characteristics of the local area and to wider views;
- d) That there are no existing dwellings on the site capable of being replaced under Policy H/14.

For the application to be compliant with both national policy and the Local Plan, the requirements of 79e of the NPPF and all the conditions set out in Policy H/15 would need to be met.

The application does not comply with Policy H/15 as this policy is only applicable to cases where there are no existing dwellings within the curtilage of the site. It is our understanding that the land currently forms part of Register Plan CB4151 and is within the historic curtilage of Mill Farm, which is currently occupied by the applicant. This would make the application incompatible with H/15d, and in fact the construction of a dwelling on this site should only be considered under Policy H/14 which would require this to be a one-for-one replacement of the existing residential dwelling at Mill Farm. The construction of an additional dwelling within the site is contrary to policy.

In terms of the tests within paragraph 79e of the NPPF, it is necessary to judge the application on both its design merits and whether it would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

The Parish Council do not feel qualified to offer a judgement on the architectural merits of the proposed building, and will defer to the professional panels established to make such subjective judgements. However, we note that the applicant is a member of the South Cambridgeshire Design Enabling Panel. As a result, we would expect that officers would refer this application out to the design panel of a neighbouring authority for an independent assessment in order to mitigate against any perception of possible conflicts of interest.

Whilst we will not comment directly on the standards of design, the Parish Council believes that its local knowledge is crucial to determining the outcome on the second test regarding whether the dwelling would significantly enhance its immediate setting. We believe that at best the proposed structure might possibly be considered to be sympathetic to the setting, but are strongly of the view that the development of this property could not be judged to significantly enhance the immediate setting. This is deliberately set as a very high bar in national policy. The proposed structure would also be out of keeping with the surrounding cluster of buildings and as such would not be sensitive to the defining characteristics of the local area.

The Parish Council also has particular concerns about the potential environmental impact of development on this site:

- We note that the site is adjacent to a Site of Special Scientific Interest (SSSI), and in the SSSI Impact Risk Zone (SSSI IRZ), as well as bounded by two important chalk stream water courses. Whilst aspects of environmental impact had been considered within the application, the assessments undertaken do not appear to be as detailed as would be expected for a site of such sensitivity.
- We note that the aquifer in the area is currently very low and the proposal for the development to further abstract from it should not be allowed in order to protect the water levels in the adjoining RSPB Fowlmere Bird Reserve, where the mere has dried out in recent years.
- Similarly, we have concern that the proposed package treatment plant would discharge into the adjoining river and the potential for this to lead to pollution incidents in a particularly sensitive location if not properly operated and maintained.
- We also have concern that the CorTen steel construction is design to rust in situ and would request that officers seek reassurance that this process has no risk of leaching contaminants into the local water courses.

The flood risk and previously known flooding history of the site are also a concern, and we note that the proposed access road passes through an area classified as Flood Zone 3, and that much of the site has historically flooded.

The Parish Council is also concerned about the traffic impact, both during construction and habitation. Mill Road, Fowlmere is single track with passing places, so access is not good. The proposed access road for the site is very close to a blind bend in the road, which raises significant safety concerns. Added to which, there are no existing pathways and no scope to construct footpaths to link with the nearby centres of rural population, so the development would be entirely reliant upon private car for access and therefore would be in conflict with Policy TI/2 Planning for Sustainable Transport.

As a result of these material factors, and most significantly the conflicts with a range of established planning policies, and the failure to meet the rigorous tests of NPPF 79e and SCDC Policy H/15, Fowlmere Parish Council recommends refusal.

If SCDC planning officers are minded to disagree and support approval, then Fowlmere Parish Council requests that there should be a site visit, and that the application should be sent for consideration by the SCDC Planning Committee given the particularly sensitive nature of the site under consideration and the conflicts with current planning policies.

Key considerations

The case officer presented the proposal to the group and updated on the representations which had been received, including those of the Parish Council. It was noted that the Parish Council had raised extensive material planning issues in their comments and that, having regard to the nature of the proposal as a “paragraph 79” house, these considerations were significant.

Further, the proposal was found to raise significant issues of planning policy due to the exceptional nature and policy test which is required to justify a new dwelling in the countryside under the terms of relevant local and national policy. The proposal was considered of a nature and complexity which would also warrant committee referral. The planning history of the site was not determinative in this case.

Having regard to all of these factors, it was considered that the application is one that should be presented to the planning committee for decision.

Decision

Refer to planning committee. See above.

20/05345/FUL - Land At/to Rear Of 62-66 New Road, Sawston, CB22 3BW. Erection of 4no. semi-detached dwellings and an end of terrace two storey dwelling linked to no.64. along with associated works following the demolition of existing outbuildings and garages - Resubmission of 20/03265/FUL (JR)

Reason for call-in request

The building on Plot 1 with a Juliet balcony on the third storey would be overbearing and result in an unacceptable degree of overlooking and loss of privacy of the gardens of neighbouring properties. It would therefore be contrary to Policy H/16 bii of the adopted Local Plan

Key considerations

The case officer presented the application to the group and the comments of the Parish Council were noted.

The comments of the Parish Council were considered to raise a material planning consideration in terms of overlooking and privacy, but these were not considered to be of a such a significant nature that the application should be referred to the planning committee. The group noted that several local residents had raised similar issues but again found that these matters could be considered by officers.

The proposal did not raise significant issues for adopted policy and nor was it considered to be of a nature, scale or complexity such that would justify a committee referral.

The planning history of the site, including the extant planning permission for residential development is relevant, but again did not suggest that the proposal should be referred to committee.

Decision

Delegated decision. See above.

20/04754/HFUL Reston Huntingdon Road Girton CB3 0LH - Removal of existing rear conservatory and replace with larger rear extension with canopy. Extension of existing rear and front gables. Loft conversion with the addition of rooflights. Replacement garage with workshop above and new detached outbuilding with tennis court and gym to rear (CP)

Reason for call-in request

Call-in request by Cllr Thomas Bygott and Cllr Douglas de Lacey.

We would like to call in Planning Application 20/04754/HFUL, Reston Huntingdon Road, Girton CB3 0LH, for determination at the Planning Committee. The application is for a rear extension, third floor on the house, two storey garage building in the front garden and indoor tennis court in the rear garden.

The planning grounds are:

Policy HQ/1 of the Local Plan:

Several aspects of the proposal do not preserve or enhance the character of the local urban and rural area or respond to its context in the wider landscape. They are not compatible with its location and appropriate in terms of scale, mass, form, sitting or proportion in relation to the surrounding area. These include the proposed tennis court building, which is excessive in scale, the addition of a third storey to the main house and the placement of a second storey above a garage in the front garden further forward than the established line.

District Design Guide SPD:

Paragraphs 7.10 and 7.11 require an ancillary building to be subservient to the main dwelling. The tennis court building would have more than three times the footprint of the main house. Cllr Bygott calculates its volume to be more than 1,800 cubic metres.

Permitted development:

If the tennis court building were able to be constructed under permitted development, it would be one of the most brazen and outlandish attempts to exploit a loophole in the drafting of The Town and Country Planning (General Permitted Development) (England) Order 2015, allowing ancillary buildings on up to 50% of the total area of the curtilage beyond the footprint of the dwelling house, without limit to the size of land. However, the building exceeds the maximum 4m height allowed under Class E. Further, it is not possible to build a regulation indoor tennis court under permitted development, because Lawn Tennis Association rules require an indoor court to have a minimum unobstructed height at netline of 9 metres.

Policy CC/9 of the Local Plan:

The tennis court building would increase flood risk by removing a substantial area (about 530 square metres) of permeable land surface, increasing run off to adjacent land.

Reston is within the catchment area of Washpit Brook which flows into Beck Brook and has contributed to numerous incidents of flooding within Girton in recent years.

Policy NH/14 of the Local Plan:

The front garden of Reston and its mature trees lie within a conservation area. The twostorey garage building would not sustain or enhance the significance of this conservation area.

Key considerations

The case officer presented the application to the group and the comments of the ward councillors were considered.

It was noted that the issues raised by the ward councillors are material planning considerations and that whilst this proposal is a householder application, the scale of development in the back garden did raise significant concerns for those members and some neighbours.

The proposal was not considered to have significant implications for adopted policy, nor was the planning history of the site considered relevant in this case.

However, the nature and scale of the proposal was found to be unusual for a domestic setting and so was considered to warrant committee consideration.

Decision

Refer to planning committee. See above.