

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

---

<b>REPORT TO:</b>	Planning Committee	06 December 2017
<b>AUTHOR/S:</b>	Joint Director for Planning and Economic Development	

---

<b>Application Number:</b>	S/2989/17/OL
<b>Parish(es):</b>	Milton
<b>Proposal:</b>	Outline permission for development of 1No. detached house
<b>Site address:</b>	Land to the rear of 1 Benet Close, Milton
<b>Applicant(s):</b>	South Cambridgeshire District Council (SCDC)
<b>Recommendation:</b>	Approval
<b>Key material considerations:</b>	Principle Visual Amenity Highway Safety and Access Residential Amenity Trees
<b>Committee Site Visit:</b>	Yes
<b>Departure Application:</b>	No
<b>Presenting Officer:</b>	Julie Ayre, Team Leader (East)
<b>Application brought to Committee because:</b>	Application made by SCDC on land owned by SCDC
<b>Date by which decision due:</b>	17 October 2017 (Extension of time agreed until 08 December 2017)

### **Executive Summary**

1. The application is reported to Planning Committee because the applicant is South Cambridgeshire District Council.
2. This is an outline planning application for the erection of a single dwelling. All matters are reserved at this stage, although formal consultation has taken place with the Local Highways Authority and vehicular access to the site can be achieved.
3. The principle of a single dwelling on the site is acceptable, having regard to the location of the site and the presumption in favour of sustainable development.
4. The site is of sufficient size to accommodate a single dwelling. Off-street parking and turning space can also be provided within the site.

5. There are no objections from technical consultees.
6. The recommendation is one of approval, subject to conditions.

### **Planning History**

7. None relevant.

### **National Guidance**

8. National Planning Policy Framework (NPPF)  
Planning Practice Guidance

### **Development Plan Policies**

9. **South Cambridgeshire LDF Core Strategy DPD, 2007**  
ST/2 Housing Provision  
ST/6 Group Villages
10. **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  
HG/1 Housing Density  
NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/8 Groundwater  
NE/9 Water and Drainage Infrastructure  
NE/11 Flood Risk  
NE/12 Water Conservation  
NE/15 Noise Pollution  
TR/1 Planning For More Sustainable Travel  
TR/2 Car and Cycle Parking Standards
11. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**  
District Design Guide SPD - Adopted March 2010  
Landscape in New Developments SPD - Adopted March 2010  
Trees & Development Sites SPD - Adopted January 2009
12. **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/7 Development Frameworks  
S/10 Group Village  
CC/7 Water Quality  
CC/8 Sustainable Drainage Systems  
HQ/1 Design Principles  
NH/4 Biodiversity  
H/7 Housing Density  
H/15 Development of Residential Gardens  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision

## Consultation

13. **Milton Parish Council** – has no recommendation.

14. **Councillor Hazel Smith**

Whilst I see the imperative on the Council to provide self-build plots I am concerned that the council should retain some control over what happens on this land. What is to stop the purchaser selling it on as 2 plots? If the large tree in the adjoining council property were to die, this would be a possibility. The tree is a major asset in the street scene and should have a TPO attached as being a tree on Council property seems to have been no protection to the 2 trees taken out in the plot in question here.

Please could we consider a TPO on the tree in the garden of 1 Benet Close?

Is it possible also to sell the land with a covenant on it allowing only one property to be built?

15. **County Highway Authority** – No objection to drawing number 1551-P-501 Rev 1, subject to conditions in relation to the provision of a traffic management plan, levels and construction materials of the drive way, pedestrian visibility splays, dimensions for parking with a reversing space and provision of manoeuvring space within the site.
16. **Environmental Health Officer** – No objection, request conditions restricting hours of works, burning of waste on site and pile driven foundations (if proposed).
17. **Strategic Housing Department** – the reasons why SCDC are not developing the site themselves are as follows:
- as a Right to Build Vanguard we committed to providing 100 plots to market as part of our bid to the DCLG for the Right to Build status. The audit of HRA owned land was part of this process and we have identified 100 plots of HRA land to fulfil this requirement. These plots sit aside working with our planning team and developers to bring more privately owned land forward for self and custom build.
  - when the 1% reduction per year for 4 years in council rents was introduced our budget for new build council housing was erased. To continue to build council homes to bring in a revenue stream and ensure spend of Right to Buy receipts and Commuted Sums the idea of utilising our HRA land plots for sale; and using the capital receipts to fund out new build council housing was presented to EMT and Cabinet. The business case was approved by Cabinet in July 2016 and was subsequently refreshed at EMT in July 2017.
  - the council building out 1 plot on a small piece of land is not financially viable or efficient in terms of resources.
  - the council building out on small garage sites is an expensive way to construct council houses. Volume generates economy of scale, and in doing larger exception sites or S106 sites we get much better value for money and essentially can build more affordable homes for the same budget.
18. **Sustainable Drainage Engineer** – No objection subject to conditions regarding requiring a scheme for the disposal of surface water and foul water.

19. **Tree Officer** – No objection.

Currently the site contributes greatly to the amount of green in the streetscene due to the overgrown hedgerows, both adjacent to the public footpath and with the boundary of house 28. The hedge adjacent to the public footpath has been left to outgrow but if it were managed to a common garden standard would have far less contribution to the streetscene. The conifer hedge, which is to the side of house 28, would be determined as excessive if considered in relation to the 'high hedge' legislation. There is no method of now bringing this hedge (height and width) into reasonable management.

There are other self set trees on site which are also highlighted for removal. With the removal of the hedges, these would be more prominent in the streetscene, even though they are set back from the road. However they fundamentally do not have the quality which a TPO requires.

The most prominent tree for the streetscene, T1 a hornbeam off site, is retained and should not be detrimentally affected by the proposal.

If there are concerns about the loss of streetscene greening, a small ornamental garden tree could be planted toward the boundary with house 28 and the public footpath which would soften the appearance of the proposed house and house 28.

No further tree information is needed.

### **Representations**

20. One letter has been received from no.3 Benet Close, raising concern for a loss of privacy their main property and to an annexe built at the rear of their property, as well as loss of light.

### **Site and Surroundings**

21. The application site is located within the village of Milton, bound to the east by Cambridge Road. The northern, western and southern boundaries of the site adjoin the private garden areas of nos.1 and 3 Benet Close and no.28 Cambridge Road. The site is owned by South Cambridgeshire District Council, having previously formed part of the garden of no.1 Benet Close. The site is currently vacant and unused and contains a number of overgrown hedgerows and trees.
22. The site is located within Milton Village Development Framework. The site is not located within a Conservation Area and does not form the setting to any Listed Buildings or other heritage assets. There are no Tree Preservation Orders on or adjacent the site. The site is not affected by flood risk and does not comprise a sensitive habitat for protected species and is unlikely to be affected by contamination. Furthermore, the site is not within the Green Belt.

### **Proposal**

23. The application seeks outline planning permission for the development of 1 detached house, with all matters reserved.

### **Planning Assessment**

24. The key issues to consider in the determination of the application are principle of

development, visual amenity, highway safety, residential amenity and trees.

### **Principle of Development**

25. Milton is defined as a Group Village under Policy ST/6 of the Local Development Framework and Policy S/10 of the Proposed Local Plan. In Group Villages, development and redevelopment without up to an indicative maximum scheme size of 8 dwelling will be permitted within the village frameworks.
26. Policy HG/1 of the Local Development Framework Development Control Policies and Policy HG/7 of the emerging Local Plan seeks that all residential developments make the best use of the site by achieving net densities of at least 30 dwellings per hectare unless exceptional local circumstances require a different treatment, or at least 40 dwellings per hectare in more sustainable locations. The proposed site was calculated as having an area of approximately 0.05 hectares. The provision of a single dwelling on the site would equate to a density of 20 dwellings per hectare, which would be below the required density of Policy HG/1. However, given the character of the area the proposed density is considered acceptable.
27. The principle of a single dwelling on site is considered to be acceptable, subject to all other material planning considerations.

### **Visual Amenity**

28. The site comprises a square parcel of land abutting Cambridge Road, surrounded by residential development. The existing dwellings along Cambridge Road and Benet Close form a linear pattern of development along their respective roads, set back from the public highway. The dwellings are typically two storey dwellings with slight variations in design, appearance and material finish. There are a number of mature trees and hedgerows along Cambridge Road, with some hedgerows forming the front boundary treatment of several properties. Other boundary treatments include low level walls and fences to the front of a number of properties.
29. The application proposes the development of one detached dwelling on the site. Although all matters are reserved at this stage, the indicative site plan shows the delivery of a detached two storey residential property, with an adjoining single storey garage. Subject to full details of the proposed dwelling being provided at reserved matters stage, to ensure appropriate design, siting and material finish, a detached two storey dwellings is considered acceptable in terms of its impact on the visual amenity of the area and to accord with policies DP/2 and DP/3 of the Local Development Framework.

### **Highway Safety and Access**

30. The proposed development will take its access from Cambridge Road on the eastern boundary of the site, close to the junction with Benet Close. Although all matters are reserved at this stage, the County Council as Local Highways Authority have been formally consulted on the application and have raised no objections to the proposals on highway safety grounds following the submission of drawing number 1551-P-501 Rev 1.
31. The Local Highways Authority has requested a Traffic Management Plan as a part of this application, along with several other conditions relating to the vehicular access to the site. The conditions suggested by the local highway authority are all deemed reasonable and necessary. On this basis, and in the opinion of the Local Highway

Authority, the proposed development would be acceptable in terms of its impact highway safety and would therefore accord with policy DP/3 of the Local Development Framework.

32. Sufficient car parking would be provided on site to serve the proposed dwelling to accord with the requirements of policy TR/2 of the Local Development Framework.

### **Residential Amenity**

33. One letter of objection has been received from no.3 Benet Close, which raises concern regarding the loss of privacy and loss of light.
34. The residential property of no.3 Benet Close is located to the north of the site, with its rear private garden area running along the western boundary of the application site. The garden area of no.3 Benet Close is approximately 24 metres in length, when measured from the rear single storey projection of no.3 Benet Close.
35. The indicative site plan shows the proposed dwelling to be orientated in a north-south direction, with the front elevation of the property facing east onto Cambridge Road. A two storey four-bed property is proposed, sited approximately 6.2 metres from the rear boundary with no.3 Benet Close and approximately 6.4 metres from the northern boundary with no.1 Benet Close. The two storey northern elevation of the proposed dwelling is shown to be approximately 18 metres from the two storey southern elevation of no.1 Benet Close. The distance to the two storey rear elevation of no.3 Benet Close is approximately 20 metres, but taken at a more oblique angle. It is noted that both nos.1 and 3 Benet Close have single storey elements attached to the rear of the respective properties, approximately 13 and 15 metres from the two storey northern elevation of the proposed dwelling.
36. The potential loss of privacy to no.3 Benet Close would be dealt through a Reserved Matters application when the detailed plan of the dwelling is provided. However, it is considered that the proposed development could be accommodated without a significant loss of privacy to neighbouring dwellings, given the separation between the properties, and subject to appropriate arrangement and detailing of any first floor windows on the northern and western elevations of the proposed dwelling. Furthermore, the privacy of neighbouring properties could be secured through the use of appropriate conditions, if necessary, on any Reserved Matters application in respect of first floor openings.
37. With regard to potential loss of light to no.3 Benet Close, the relationship between the proposed dwelling and no.3 Benet Close is likely to be such that any significant loss of light would occur to the end of the garden of no.3 Benet Close, rather than the primary private amenity area immediately adjacent to the property itself, or any rear doors and openings to no.3 Benet Close.
38. In respect of no.28 Cambridge Road to the south, the site plan places the proposed dwelling approximately 1.5 metres from the shared boundary and approximately 4.5 metres from the side elevation of the existing property. It is not considered that the proposed dwelling would result in a significant adverse impact upon the amenities of no.28 Cambridge Road.
39. In terms of potential impact on the future occupiers of the proposed dwelling, it is noted that there are first floor windows in the rear elevations of nos.1 and 3 Benet Close which would face towards the private amenity area of the proposed dwelling. However, given the siting of the proposed dwelling relative to the existing dwellings,

and the approximate 22 metre width of the garden, it is considered that the proposed dwelling could accommodate a private amenity area which is not compromised significantly by surrounding properties.

### **Trees**

40. Although the site is currently vacant in terms of its use, it does contain a number of overgrown hedgerows and several trees. One tree in particular, located in the south east corner of the site, is significant in scale and a notable presence in the street scene.
41. An Arboricultural Report, Tree Constraints Plan and Tree Survey Schedule have been submitted in support of the application. These details indicate the removal of the trees from within the red-line boundary of the site.
42. Concern has been raised that the tree is a major asset in the street scene and should have a Tree Preservation Order placed on it.
43. The Council's Trees Officer has been formerly consulted on the application and raises no objection to the removal of the trees from the site, suggesting replacement planting could be considered. Furthermore, as the trees on the site are not covered by a Tree Preservation Order and the site is not located within a Conservation Area, there is no reason that the trees cannot be removed from the site by the owner.
44. The removal of the large tree in the south east corner of the site would be notable. However, it is not considered that the removal of trees from the site would result in significant harm to the character of the area and wider street scene sufficient enough to warrant a refusal of the application on this basis alone. Furthermore, full details of any landscape proposals would form part of a Reserved Matters application and would be fully assessed at that time.

### **Flood Risk and Drainage**

45. The site is located in Flood Zone 1 (low risk) and the surrounding area is not designated as being within Flood Zone 2 or 3. Therefore there is not considered to be any significant level of flood risk to the residential development of the site. It is considered reasonable and necessary to apply conditions requiring a surface water and foul water drainage scheme to be submitted to and approved in writing by the Local Planning Authority. On that basis, the principle of a dwelling on site is considered to be acceptable in terms of flood risk and surface water drainage and accords with policies NE/9 and NE/11 of the Local Development Framework.

### **Other Matters**

46. Comment has been made about the potential development of two dwellings on the site, with a prospective purchaser of the site having the potential to sell it on as two plots. The application which has been made is for the development of one detached house on the site and is assessed as such. The Council may, as landowner, consider something in the sale agreement should this be a concern, but this would not be material to the application before committee. The development of two dwellings on the site would require a formal planning application which would be subject to its own consultation and assessment.
- 47.

The Council's Environmental Health Team have raised no objection to the proposed development and requested a number of conditions. It is considered reasonable and

necessary to impose a condition restricting the hours of work to minimise noise disturbance for adjoining residents, in accordance with Policy NE/15 of the Local Development Framework. Informatives relating to burning of waste and pile driven foundations are also recommended.

## **Recommendation**

Approval subject to:

## **Conditions and Informatives**

48. Planning conditions and Informatives as set out below, with the final wording of any amendments to these to be agreed in consultation with the Chair and Vice Chair prior to the issuing of planning permission:
- 1) Approval of the details of the layout of the site, appearance of buildings 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 not 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 following approved plans: Drawing number 1551-P-501 Rev 1. (Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
  - 5) The landscaping details required under condition 1 shall include indications of all existing trees and hedgerows on the land and details of any to be retained, 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 and the positions, design, materials and type of boundary treatment to be erected. (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.)
  - 6) 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.)

- 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) 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.)

- 9) No construction site machinery or plant shall be operated and no construction related deliveries taken at or despatched from the site before 0800 hours and after 1800 hours on weekdays, before 0800 hours and after 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.  
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

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

- 11) No construction works shall commence on site until a traffic management plan has been agreed with the Local Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
- i. Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted public highway)
  - ii. Contractor parking, for both phases all such parking shall be within the curtilage of the site and not on street.
  - iii. Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway)
  - iv. Control of dust, mud and debris in relationship to the operation of the adopted public highway
- (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

- 12) The proposed driveway 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 water.

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

- 13) The proposed driveway shall be constructed using a bound material to prevent debris spreading onto the adopted public highway

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

- 14) Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to:

- a) enter, turn and leave the site in forward gear
- b) park clear of the public highway

The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

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

### **Informatives**

- 49.
1. There shall be no burning of any waste or other materials on the site, without prior consent from the environmental health department.
  2. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
  3. The applicant should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of development. This should include the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health Service
  4. The granting of a planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with, the Public Highway, and that a separate permission must be sought from the Highway Authority for such works.

### **Background Papers:**

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

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File Reference: S/2989/17/OL

**Report Author:**

Michael Sexton  
Telephone Number:

Senior Planning Officer  
01954 713417