

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 6<sup>th</sup> September 2006  
**AUTHOR/S:** Executive Director / Head of Planning Services

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### **S/1360/06/O – LINTON**

**Erection of 8 Dwellings and Garages at Land Rear of Newdigate House, Horseheath Road for D Fairey**

**Recommendation: Approval**  
**Date for determination: 30<sup>th</sup> August 2006**

Members will visit the site on Monday 4<sup>th</sup> September 2006

### **Site and Proposal**

1. The application site, excluding the access, measures 55m x 48m (0.26 hectares/0.65 acres) and currently forms part of the large rear garden of Newdigate House, a two-storey red brick and pantile detached house with a pitched roof garage to the rear standing some 3 metres above the level of Horseheath Road. The site rises gently to the northeast. There is a spinney of trees within and along the northern boundary, with Linton Heights Junior School's playing field and outdoor swimming pool beyond. An area of young trees up to approximately 4 metres high lie within and along the eastern boundary with the rear gardens of two-storey houses in Dolphin Close beyond. Newdigate House is to the south. The northern part of the western boundary is marked by chain link fencing with the School playing field beyond with the southern part of this boundary marked by close boarded fencing with the new housing development off Parsonage Way/Fairfield Way beyond.
2. This outline application, registered on the 5<sup>th</sup> July 2006, proposes the erection of 8 dwellings and garages. Two of the eight dwellings would be affordable. The point of access, a new access to the east of the existing access to serve the proposed development and Newdigate House and the stopping-up of the existing access to Newdigate House, forms part of the application. Whilst all other matters are reserved, an indicative layout showing 6no. detached units and a pair of semi-detached units has been submitted. The density, excluding the access, equates to approximately 31 dwellings to the hectare.

### **Planning History**

3. An outline application for a minimum of 11 dwellings on the site plus a very small piece of additional land was refused in May 2006 under reference **S/0348/06/O** for the following reasons:
  1. *In view of the need to ensure that development respects the character of the area, the amenity of the occupiers of neighbouring properties is adequately safeguarded and the junior school outdoor swimming pool immediately to the north of the site is not overlooked, the Local Planning Authority is not satisfied that the site can satisfactorily accommodate the proposed minimum of 11 units. The Local Planning Authority is therefore not satisfied that the development would comply with the requirements of Cambridgeshire and Peterborough Structure Plan 2003 Policy P1/3 and South Cambridgeshire Local Plan 2004*

*Policies SE2 and HG10 which require residential development in Linton to be informed by and sensitive to the character of the village and to be sensitive to the amenities of neighbours.*

2. *The application indicates that only 2 of the minimum of 11 dwellings would be affordable. The proposal is therefore contrary to South Cambridgeshire Local Plan 2004 Policy HG7 which requires approximately 30% of the dwellings to be affordable.*

An appeal has been lodged.

4. Permission was granted for a house and garage on the site now occupied by Newdigate House and its garden in 1965 under reference **SC/651/64**.

### **Planning Policy**

5. Structure Plan 2003 **Policy P1/3** relates to sustainable design in built development and requires a high standard of design for all new development which responds to the local character of the built environment.
6. Local Plan 2004 **Policy SE2** states that residential development will be permitted on unallocated land within the village framework of Linton provided that (a) the retention of the site in its present form is not essential to the character of the village; (b) the development would be sensitive to the character of the village, local features of landscape or ecological importance, and the amenities of neighbours; (c) the village has the necessary infrastructure capacity; and (d) residential development would not conflict with another policy of the Plan, particularly policy EM8 which relates to the loss of employment sites. It also states that development should provide an appropriate mix of dwellings in terms of size, type and affordability and should achieve a minimum density of 30 dwellings to the hectare unless there are strong design grounds for not doing so.
7. Local Plan 2004 **Policy HG7** states that the Council will negotiate with applicants to secure the provision of accommodation to meet some of the continuing need for affordable housing in the District before it determines any application for planning permission for residential development of more than 10 dwellings on land within the framework of any village of more than 3,000 population. It goes on to state that such affordable housing shall represent approximately 30% of the total number of dwellings for which planning permission may be given.
8. Local Plan 2004 **Policy HG10** states that residential developments will be required to contain a mix of units providing accommodation in a range of types, sizes (including 1 and 2 bedroom dwellings) and affordability, making the best use of the site and promoting a sense of community which reflects local needs. It also states that the design and layout of schemes should be informed by the wider character and context of the local townscape and landscape. Schemes should also achieve high quality design and distinctiveness, avoiding inflexible standards and promoting energy efficiency.
9. Local Plan 2004 **Policy HG11** states that development to the rear of existing properties will only be permitted where the development would not: result in overbearing, overlooking or overshadowing of existing residential properties; result in noise and disturbance to existing properties through the use of its access; result in highway dangers through the use of its access; or be out of character with the pattern of development in the vicinity.

10. Local Plan 2004 **Policy CS10** states that, where permission is granted for residential development of 4 or more dwellings, financial contributions will be sought towards the provision of additional permanent or temporary education accommodation in those cases where the new development would cause the planning capacity of permanent buildings at the local primary or secondary schools to be exceeded during the 5 years following the date of the application.
11. Local Plan 2004 **Policy EN5** states that the District Council will require trees to be retained wherever possible in proposals for new development.
12. Local Development Framework Submission Draft January 2006 **Policy DP/4** states that planning permission will only be granted for proposals that have made suitable arrangements for the improvement or provision of infrastructure necessary, including affordable housing, to make the scheme acceptable in planning terms. It states that the nature, scale and phasing of any planning obligations sought will be related to the form of the development and its potential impact upon the surrounding area.
13. Local Development Framework Submission Draft January 2006 **Policy DP/5** relates to cumulative development and states that development will not be permitted where it: forms part of a larger site where there would be a requirement for infrastructure provision if developed as a whole; would result in a piecemeal, unsatisfactory form of development; or would prejudice development of another site adjacent or nearby.

### **Consultations**

14. **Linton Parish Council** recommends refusal stating:
  - a) "Council asks that CCC Highways check safety of access in conjunction with the Rhugarve Gardens junction and Horseheath Road part of the Safer Routes to School initiative. Please see letter from Mr Mulley of 7 Horseheath Road
  - b) Council requests that the proposed rumble strips be removed
  - c) Council has concerns regarding possible future development of the site to encompass Borley and Newdigate Houses increasing traffic and leading to greater hazards
  - d) Council has concerns regarding the retention of the broad belt of boundary trees (7.5metres in depth) to the rear and east of the site (total 420 sq metres). Council would wish these trees to be retained in perpetuity
  - e) Council has concerns as to who will maintain the open space and trees
  - f) Council believes this is overdevelopment of the site – seven dwellings would be more acceptable
  - g) Council remains concerned that this application is contrary to Policy HG12 sections 2 and 5
  - h) Should this application be approved Council would wish it to be conditioned that no development be permitted in the roof space and dwellings should be no more than two storey
  - i) Council objects to this application"
15. **Chief Environmental Health Officer** recommends that conditions relating to the times when power operated machinery shall not be operated during the construction period except in accordance with agreed noise restrictions and driven pile foundations are attached to any approval. He also recommends that an informative is attached to any approval stating that there shall be no bonfires or burning of waste on site during construction except with his Department's prior permission.

16. **Local Highway Authority** raises no objections to a new access in the position proposed but, as the point of access forms part of the application, requests an amended plan showing the point of access fully dimensioned, junction radii given and the ramp/rumble strip repositioned.
17. **Cambs Fire & Rescue Service** is of the opinion that additional water supplies for firefighting are not required.
18. **County Financial Officer** was consulted in relation to possible need of an education contribution. No comments had been received at the time this report was compiled.

### **Representations**

19. Objections have been received from the occupiers of 2 and 7 Horseheath Road, 27 Dolphin Close and 4 Rhugarve Gardens on the following grounds:
  - a) Due to the position of the proposed new access and the presence of parked cars on Horseheath Road, it would be extremely dangerous to exit the access to the left as vision up Horseheath Road would be obstructed;
  - b) Creation of a dangerous crossroads where proposed access joins Horseheath Road opposite Rhugarve Gardens;
  - c) Noise generated by cars travelling over the proposed rumble strips would be unacceptable to occupiers of the adjacent property, 7 Horseheath Road;
  - d) Overlooking of neighbouring properties from 2 or 2½ storey houses;
  - e) Inadequate parking provision within the site would lead to additional parking on Horseheath Road and hence additional dangers on this already fast road used heavily by children pedestrians due to the close proximity to local schools;
  - f) Overdevelopment of the site;
  - g) This currently undeveloped site brings a sense of open space to this part of the village;
  - h) Indicative plan shows boundary trees removed;
  - i) If approval is given, consideration should be given to keeping all the existing trees and ensuring that new buildings are no more than 2 storey;
  - j) This application involves further piecemeal development;
  - k) Drainage; and
  - l) Above concerns would be compounded if Borley and Newdigate Houses are redeveloped in the future.

### **Planning Comments – Key Issues**

20. The main issues in relation to this application are: whether 8 units can be satisfactorily accommodated on the site; highway matters; and affordable housing.
21. The site is within the village framework and, in my opinion, the retention of the site in its present form is not essential to the character of the village. The principle of residential development is therefore supported. The previous application for a minimum of 11 dwellings was refused on the basis that, in view of the need to ensure that development respects the character of the area, the amenity of the occupiers of neighbouring properties is adequately safeguarded and the junior school outdoor swimming pool immediately to the north of the site is not overlooked, the Local Planning Authority is not satisfied that the site can satisfactorily accommodate the proposed minimum of 11 units. To satisfactorily address all of these matters, I consider that the existing trees/planting along the northern and eastern boundaries would need to be retained, overlooking of the school swimming pool avoided and an imaginative layout designed.

Whilst the previous application did not persuade me that this could be achieved with a minimum of 11 units and the illustrative layout submitted with this application also would not constitute an acceptable scheme, I am satisfied that a development of 8 dwellings on the site, which equates to a density of approximately 30 dwellings/hectare, could be designed that satisfactorily addressed all of these issues. Unhelpfully, and this may have led to some of the objections, whilst the application forms and supporting statement clearly state that the boundary trees would be retained as part of the development, the illustrative layout plan shows many of them removed. It would therefore be prudent to specifically exclude the illustrative layout from any permission.

22. Should Members be minded to approve the application, I do not consider that it would be necessary to specifically require that the dwellings are no more than 2-storey as the Parish Council and objectors request, but any reserved matters application would need to show that it satisfactorily addresses all of the issues highlighted in the preceding paragraph.
23. The Local Highway Authority has carefully considered the proposed access arrangement and has raised no objections to the principle of a new access in the proposed position but has requested a plan detailing the junction of the new road and Horseheath Road. The Local Highway Authority considers that the ramp/rumble strips, to which the Parish Council and occupier of 7 Horseheath Road object, are necessary and I consider that it would be difficult to demonstrate that it would result in a serious noise disturbance to the occupiers of 7 Horseheath Road.
24. The applicant seeks to argue that as the application is for less than 11 dwellings, no dwellings need to be affordable in terms of the Local Plan requirement. Nevertheless, the application proposes that 2 of the 8 units would be affordable in recognition of the informative attached to the permission for 10 dwellings on the adjacent site (S/0520/05/F) which stated that the development approved under reference S/0520/05/F was considered to be the first phase of development on land at Nos. 1 and 3 Horseheath Road and development on these sites will be considered together in terms of establishing whether affordable housing and public open space should be provided as part of the developments and, if so, what level of provision of appropriate. I consider that the proposal for 2 of the units to be affordable is reasonable and should be secured by a means of a Section 106 Agreement.

### **Recommendation**

25. Subject to the receipt of an amended plans that satisfactorily addresses the comments of the Local Highway Authority and the prior signing of a S.106 Legal Agreement to ensure that 2 of the dwellings are affordable and, if recommended by the County Chief Financial Officer, an education contribution, approval subject to the following conditions:
  1. Standard Time Condition B – Time limited permission (Reason B);
  2. SC1 a, b, c (except point of access) and d – Reserved matters (RC1);
  3. During the period of construction ... SC26 (0800, 0800, 1800, 1300) – Restriction on hours of use of power operated machinery during construction period (RC26);
  4. SC52 – Implementation of Landscaping (RC52);
  5. SC60 – Boundary Treatments (RC60);
  6. The illustrative layout shown on drawing no. 2 is specifically excluded from this permission (RC The Local Planning Authority is not satisfied that the layout shown on this drawing would adequate safeguard the amenity of neighbours and users of the adjacent school swimming pool, constitutes the necessary high standard of design that responds to the local character of the built environment or shows an appropriate road layout in highway terms);

Plus conditions recommended by the Local Authority Highway

### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
  - **Cambridgeshire and Peterborough Structure Plan 2003: P1/3** (Sustainable Design in Built Development)
  - **South Cambridgeshire Local Plan 2004: SE2** (Residential Development in Rural Growth Settlements), **HG7** (Affordable Housing), **HG10** (Housing Mix and Design), **CS10** (Education Contributions) and **EN5** (Retention of Trees)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise: pedestrian/highway safety; amenity of neighbours; character and appearance of the area; piecemeal development; and drainage.

### **Informatives**

Should driven pile foundations be proposed, before development commences, a statement of the method for construction of these foundations should be submitted to and agreed by the District Council's Environmental Health Officer so that noise and vibration can be controlled.

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

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Local Development Framework Submission Draft January 2006
- Planning file Refs: S/1360/06/O, S/0348/06/O, S/0520/05/F and SC/348/64

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