

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7th May 2008

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/1881/07/RM - LINTON

Erection of 11 Dwellings

Approval of Reserved Matters - Layout, Scale, Appearance, Access and Landscaping, Land Rear of Newdigate House, Horseheath Road, for Beechdale Homes Ltd

Recommendation: Approval

Date for Determination: 26th February 2008 (Major Application)

Members will visit the site on 7th May 2008

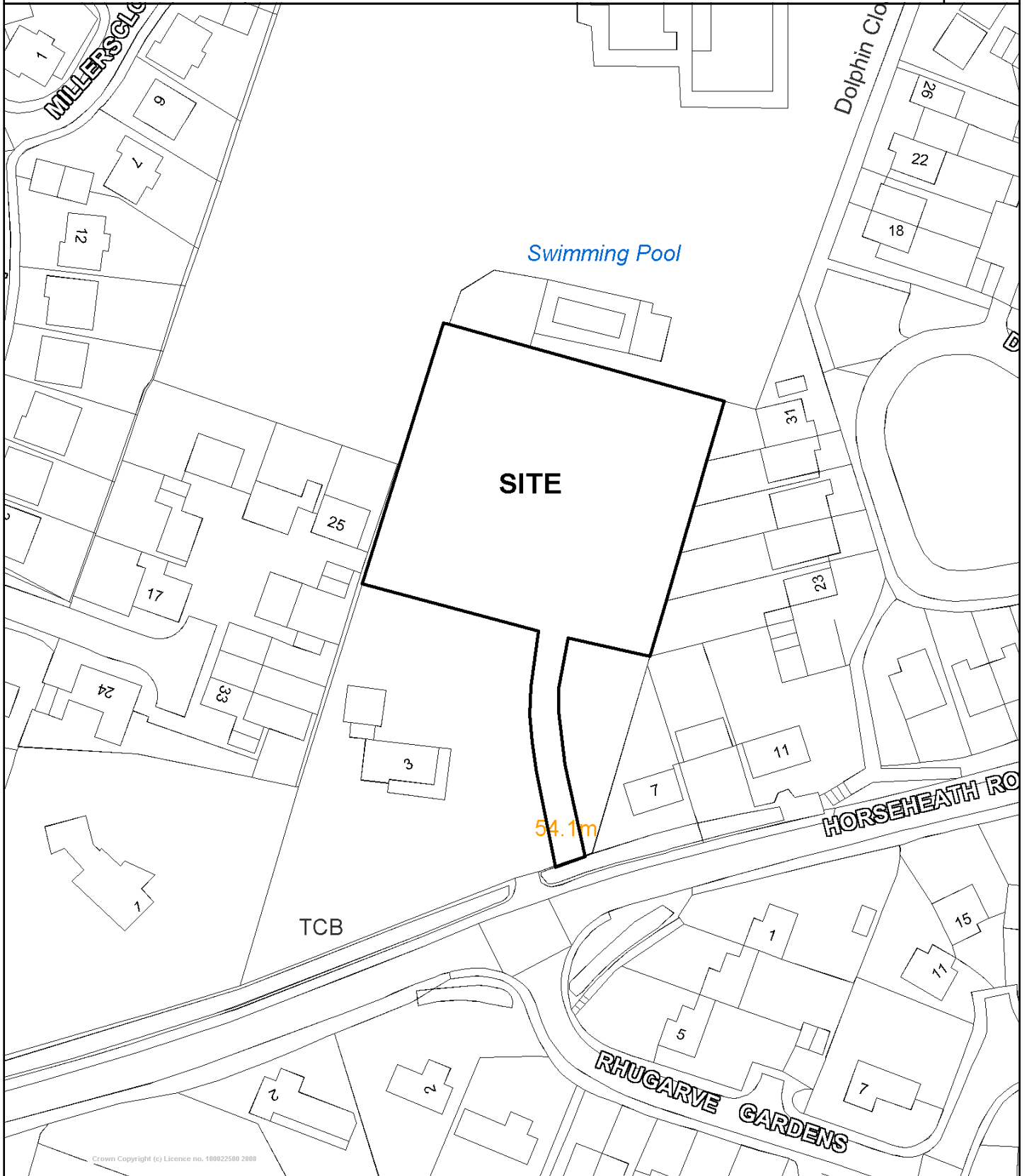
This Application has been reported to the Planning Committee for determination because the recommendation of the officers does not accord with the recommendation of the Parish Council.

Introduction and update

1. Members deferred consideration of this application from the meeting of 5th March 2008 to enable a site visit to be held. A copy of the officer report for that item is attached at Appendix 1
2. This reserved matters application, dated 21 September 2007, has been amended several times, most recently by perspective drawings date-stamped 4 March and revised details date-stamped 28 March 2008. The revisions show:
 - a) Plot 3: amendment to roof to show hipped ends with a lower pitch and lowering of the ridge height to 7.3m; resiting to provide 3.3m to boundary with 29/31 Dolphin Close and increase in garden depth from 11.8m to 12.0m;
 - b) Perspective drawings of the outlook from the rear garden and 1st floor window of 31 Dolphin Close towards Plot 3;
 - c) The layout plan no. 07.161/102G has been adjusted to show extensions to the rear elevations of nos. 23, 25 and 27 Dolphin Close, and correction to the side boundary with the school at 31 Dolphin Way;
 - d) Drawings showing the grading and gabion wall support at the entrance, and landscaping at the entrance.

Consultations

Linton Parish Council – Recommends refusal:



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May 2008 Planning Committee

Access

3. There should be only a single shared access for the proposed development and the existing property, Newdigate House, which should be no further to the east than the existing Newdigate house access. The existing access road is not shown on the drawings, contrary to LDF Policy DP2 (2) (n), but the Parish Council's understanding is that the current proposal would leave Newdigate House enjoying a separate access point on to Horseheath Road. Two access points very close to each other would be dangerous and contrary to LDF Policy DP3 (1) (b) and it does not appear to the Parish Council that Cambridgeshire County Council Highways Development Control Manager has appreciated that under the proposal there appear to be two such separate access points. Nor is the Parish Council satisfied that Highways Development Control has fully appreciated the extent to which the proposed access had been moved compared with the existing access to Newdigate House, and thereby aligned it more closely with the Horseheath Road/Rhugarve Gardens junction.
4. The access as presently proposed will be unsafe, by reason of the proposed visibility splay being ineffective, contrary to LDF Policy DP/3 (1) (b), given that the ground level of 7 Horseheath Road is considerably higher than the height of the proposed access road as it approaches the junction with Horseheath Road. The Parish Council understands that the occupier of 7 Horseheath Road is entitled to extend his boundary fence up to the front boundary of his property, and given the loss of privacy to his property from the new development it seems likely that he would choose to do so, thereby reducing visibility.
5. The access as presently proposed will be unsafe, contrary to LDF Policy DP3 (1) (b) because there is considerable parking on the northern side of Horseheath Road to the east of the proposed access both overnight and at week ends.
6. The plans show part of the embankment on the north eastern side of the proposed access road as being within the ownership of 7 Horseheath Road (the Parish Council's understanding is that the boundary between the properties projects in a straight line as far as the highway boundary). The applicant has not demonstrated that it has the ability to secure the carrying out of works on land which is not within its ownership or control. In addition, the Parish Council is concerned that the gradient of the embankment and its proximity to 7 Horseheath Road may affect the structural stability of that property and would wish a condition to be imposed that no work is carried out until the applicant's have supplied the District Council with a structural engineer's report demonstrating that the proposed works will not endanger the stability of any part of 7 Horseheath Road.
7. The proposed rumble strip is unnecessary and liable to cause a noise nuisance contrary to LDF Policy DP/3 (2) (n).

Housing and Design

8. The proposed development was contrary to former Local Plan policies as referred to by the Planning Inspector in the previous decision notice, and is contrary to policies in the Local Development Framework for the various reasons set out below.

Housing Issues

9. The proposal provides for 27% of the housing to be affordable housing, contrary to the requirement of 40% or more in LDF PolicyHG2 (2) & HG3 (2). No reason for the proposed derogation from this requirement has been advanced by the applicant. It is noted that no offer of off-site provision through the mechanism of an S. 106 obligation has been made.

10. The housing mix proposed is contrary to LDF Policy HG2 (3), the principles set down in the Planning Inspector's report and the findings of the Local Housing Needs Survey for Linton and of the Linton Parish Plan. Policy HG2 requires developments of 11 or more dwellings to provide a range of accommodation, including one and two bed dwellings, having regard to economic viability, the local context of the site and the need to secure a balanced community. The present proposal provides for 50% of the market dwellings to be 4 or more bedroomed, 37.5% 3 bedroomed and 12.5% 2 bedroomed. Had the development been of 10 rather than 11 dwellings, policy HG2 (3) would have required approximately 25% of the market dwellings to be 4 or more bedroomed, 25% to be 3 bedroomed and at least 40% to be 1 or 2 bedroomed. To propose a development which, had there been one house fewer, would have been wholly at variance with Policy HG2 is contrary to the clear intent of the Policy in relation to sites of 11 or more dwellings, as explained by paragraph 4.6 of the supporting statement. "The targets are set for smaller developments of up to 10 dwellings. Developments of more than 10 houses will require assessment with the target as a starting point." (emphasis added). The Parish Council's understanding is that no such assessment has been submitted to the LPA.

Design Issues

11. The proposal as a whole would cause serious and unacceptable harm to the amenities of the occupiers of nos. 23-31 Dolphin Close contrary to LDF Policy DP2 (1) (f) & DP3 (2) (j). Whilst the block comprising plots 3, 4 and 5 has been moved approximately from 3m to 3.3m to the west in the revised plan, compared to that considered by the Parish Council in October 2007, because the previous proposal failed to include substantial recent extensions to no's 25, 27 and 29 Dolphin Close on the plans submitted, the distance between the rear walls of no's 25, 27 and 29 Dolphin Close and plot 3 is now actually considerably less than had been thought when the original application was considered by the Parish Council in October 2007. The Parish Council has considered both the plans submitted. It has had the advantage of viewing photographs and superimpositions of the proposed block comprising plots 3, 4 and 5 provided by one of the occupiers of Dolphin Close, all of which serve to demonstrate unacceptable damage to the amenities of these adjoining occupiers.
12. The hipped roofs now proposed for the dwellings on plots 3, 4 and 5 are not in keeping with the other plots on the development or with existing developments in the vicinity of the application site, all of which have gable roofs. These roofs appear to have been introduced into the scheme as an architecturally misguided attempt to address the impact of the proposed development on the adjoining properties in Dolphin Close. The proposal is accordingly contrary to LDF Policy DP2 (1) (c) & (f) & DP3 (2) (i) of the LDF. In the event, it also fails to achieve its design objective.
13. The proposal, by reason of its inclusion of dwellings more than 2 storeys in height, fails to preserve the amenity of the occupiers of neighbouring properties, including Newdigate House, contrary to LDF Policy DP2 (1) (c) (d) & (f) & DP3 (2) (j) & (i).
14. The second bedroom of plot 3 will substantially overlook the garden and living accommodation of 31 Dolphin Close and thereby have a serious and damaging impact on the amenities of 23-31 Dolphin Close contrary to LDF Policy DP2 (1) (f) & DP3 (2) (j).
15. No detailed plan has been sent to the Parish Council properly showing the revised side elevation of plot 3. Until that is done it is impossible to fully evaluate the impact of this aspect of plot 3 on the amenities of 23-31 Dolphin Close. At the moment the

elevation appears to have a serious and damaging impact on the amenities of those properties.

Necessary Conditions in the event the Committee is minded to grant permission.

16. A full biodiversity survey shall be undertaken prior to any development commencing.
17. The boundary treatment along the whole of the northern boundary shall comprise a 2.4 metre close boarded fence with 0.8 metre trellis above in order to secure proper privacy for pupils of the adjoining school, particularly pupils using the school outdoor swimming pool, reflecting the provision in the amended application plan for the boundary fence between plots 3, 4 & 5 to be closer to the swimming pool than shown on the original plans, due to the proposed removal of the existing vegetation.
18. Permitted development rights shall be excluded in the case of the properties on the northern and eastern boundaries of the development, to prevent unacceptable harm to the amenities of the occupiers of the adjoining properties in Dolphin Close, pursuant to LDF Policies DP2 (1) (f) & DP3 (2) (j).
19. The existing vegetation on the northern and eastern boundaries shall be retained and strengthened in order to maintain biodiversity and the privacy of adjoining occupiers in accordance with an approved planting and maintenance plan & schedule.
20. All existing trees within the application site except those within category R in the report prepared for the applicant by Lesley Dickinson shall be retained.
21. The landscaping as shown in the approved landscaping scheme shall be maintained in perpetuity by the occupiers of the various plots and any trees or other plants planted in accordance with it shall not be removed without the express consent of the planning authority.

Further Comments

22. This response is submitted prior to the indicative scaffolding being erected on the application site to demonstrate the impact of plot 3 on 31 Dolphin Close. The Parish Council reserves the right to submit further comments after that has been done.

Possible future statement

The Parish Council's views regarding the future development of the application site

23. *The Parish Council acknowledges the principle of the development of this site provided it is consistent with relevant development control policies, and the proper interests of local residents are respected. The present proposals fail in both respects. It appears to the Parish Council that a combination of the applicant's understandable concern to maximise its return from the site and its (or the current owner's) wish to maintain the maximum value of the retained part of the plot on which Newdigate House stands has resulted in a proposal which is not consistent with the relevant development control policies and does not respect the proper interests of local residents.*
24. *The Parish Council would in principle support a proposal for an eleven dwelling development incorporating four affordable dwellings (36%) and 7 market dwellings (64%) of which two (28.5%) were 4 bedroomed dwellings, two (28.5%) were 3 bedroomed market dwellings and three (43%) were 1 or 2 bedroomed dwellings, a*

mix which would fall not far short of the requirements of LDF Policies HG 2 & HG3, provided it was designed in such a way as not to cause damage to the amenities of the occupiers of Dolphin Close and Linton Heights Junior School and enjoyed a shared access with Newdigate House to an appropriate point on Horseheath Road.

25. *If it proves impossible to design an eleven dwelling development which properly protect the amenities of the occupiers of Dolphin Close, the Parish Council would be looking for a scheme of ten dwellings, of which four were affordable dwellings, three were 3 or more bedroomed market dwellings and three were 2 bedroomed market dwellings, in accordance with LDF Policies HG2 & HGH3.*
26. **Local Highway Authority:** Recommends approval. The necessary visibility splays can be achieved in the context of the embankment. The verge, although steep, would not achieve a height sufficient to obstruct visibility at the required setback. The LHA accepts that the rumble strip could be replaced with a ramp surfaced in block paving, to minimise noise disturbance.
27. **Council's Ecology Officer:** No objection subject to a conditions to restrict the time of year of vegetation removal to avoid the bird nesting and breeding season and to provide bat and bird nesting boxes.
28. **Council's Landscape Officer:** To the amended plans, concern that insufficient land is provided for tree planting to the front of Plots 6 and 7, and a request for final details of plant species to be submitted for agreement. These details have been provided by the agent in a drawing received 3rd March.

Representations of the agent

The agent has confirmed the following:

29. "At the end of the day, planning permission has been granted for eleven houses on this site; it is not possible to develop it so that it cannot be seen; our position is that we considered the Inspector's comments, but it was plain that the "buffer" referred to was insubstantial, and if it was retained as the basis of protecting privacy this could give rise to problems in the future (as any trees and vegetation could be chopped down / cleared) - the inspector acknowledged that it could be removed. It is best if these problems, or perceived problems, are best "designed out" from the start.
30. "The illustrative layout which accompanied the outline planning permission provided for a long rear elevation facing Dolphin Close, dominating the outlook and with habitable room windows looking directly into the properties in Dolphin Close, giving rise to potential privacy problems; our design has a narrow span blank gable facing Dolphin Close, not actually at the end of the garden of number 31, with a fully hipped roof in order to mitigate its impact. There is no overlooking or loss of privacy, and it is situated far enough from the boundary for there to be no significant impact in terms of dominance or loss of light.
31. "In relation to this, I was concerned that Mrs O'Brien's photograph with the red "cube" superimposed was not an accurate representation of the visual impact from number 31 Dolphin Close. I therefore attach two perspective drawings now prepared by the architects, showing what will be seen from the garden and from the first floor windows of number 31".
32. A letter dated 14 March 2008 has been supplied by the agent indicating the acceptance of the proposed boundary treatment on the northern boundary of Plots 6 and 7 by the Headteacher of Linton Heights Junior School.

Representations

33. Letters of objection have been received from the occupiers of Nos. 25, 27, 29, 31 Dolphin Close, 12 Fairfield Way, 7 Horseheath Road, 21 Balsham Road, 33 Rivey Way, Greenditch Hill Barn, and 21 Balsham Road. Issues raised are:

Landscaping and ecology

- a) loss of buffer zone on eastern boundary, as referred to by the Inspector at paragraph 10. A copy of the appeal reference **APP/W0530/A/06/2020762** dated 6 February 2007 is attached at Appendix 2.
- b) loss of the spinney trees on northern boundary and the loss of their ecological value;
- c) lack of landscaped areas.

Scale, layout and design

- a. height of dwellings especially 2½-storeys;
- b. density of development too high;
- c. underprovided with affordable housing;
- d. underprovided with 1-bed, 2-bed and 3-bed market housing, and overprovided with 4-bed houses. This will not achieve a locally-balanced community that Policy HG/2 is seeking to achieve;
- e. house Type A is 2-bed with a first floor study, so is 3-bed in effect.
- f. the use of hipped roofs has resulted in the design of Plots 3,4 and 5 being out of keeping with the character and design of other dwellings in the area.

Amenity

- g. loss of privacy to the school pool;
- h. noise disturbance to future occupiers when the school pool is in use;
- i. loss of privacy to Nos.27,29 and 31 Dolphin Way;
- j. overshadowing of Nos.27,29 and 31 Dolphin Way from the mid-afternoon onwards;
- k. overbearing and loss of outlook to Nos. 27, 29 and 31 Dolphin Way. The officer's report incorrectly states that the distance from the corner of Plot 3 to the rear elevation of is 14.0m when it should be 12m approximately. The occupiers of 31 Dolphin Way have submitted annotated photographs to show the position of the adjacent dwellings and to illustrate the loss of sunlight. These are included as Appendix 3 together with their letters of objections.
- l. these amenity issues were also identified by the Inspector when allowing the appeal in 2007;

m. additional noise disturbance;

Highways

- a) unacceptable re-siting of access position on Horseheath Road;
- b) noise from rumble strip to the occupier of No. 7 Horseheath Road;
- c) loss of parking on Horseheath Road;

Services

- a) additional burden on the infrastructure of Linton, such as schools, health services and roads.

Planning Comments

Amenity

- 34. In my report of 5 March I examined the concerns of occupiers of neighbouring properties in respect of amenity impact. The amended plans date-stamped 28 March 2008 have increased the distances of dwellings from the boundaries with dwellings in Dolphin Close, and the height of the dwellings on Plots 3-5 has been reduced, and hipped ends provided. These changes are intended to reduce the impact on neighbouring amenity of the development. I acknowledge there have been extensions on the rear elevations of these dwellings, and these are now shown on the revised layout plan no. 07.161/102G. Members will wish to assess this aspect on site.
- 35. The distance of the proposed gable to the windows in the rear of Nos. 29 and 31 is 14.0m, and set west of them, which I consider to be acceptable. This is the distance that can be scaled from the submitted plan, but can be assessed on the site visit.
- 36. The dwelling on Plot 3 nearest to the rear garden of No.31 is shown to have a bathroom window closest to the boundary. The first floor bedroom window in its rear elevation is located 6m from this boundary, but at a minimum angle of 30 degrees to it, so any views over the rear garden of No.31 will be oblique. I do not consider that the development will result in serious overlooking of this dwelling, but in order to reduce such impact I recommend a condition to amend the design of these windows to be fixed pane with top opening vents, to prevent oblique overlooking from an open pane.
- 37. The distance between rear bedroom windows in Plots 1 and 2 to the rear garden boundary with Nos 8 Horseheath Road, and 23/25 Dolphin Close, has been increased in the amended layout plan to 8.1m. The window-to-window distances are between 22 and 25m, which is acceptable. The development will result in a degree of overlooking of these gardens and rear elevations, but as the gardens are already overlooked from existing dwellings, I do not consider that the additional overlooking is so serious as to warrant a refusal of reserved matters application.

Housing Mix

- 38. LDF Policy HG/2 (Housing Mix) sets out firm guidelines for the required house size in development of up to ten dwellings, but in larger schemes such as this more flexibility is provided for. The amended scheme includes 38% 2-bed market housing, which I consider to be acceptable in this context. I do not consider that the shortfall in 3-bed housing, and more than expected provision of 4-bed dwellings to be a sustainable reason for refusal of reserved matters in a scheme of this size. Affordable housing

numbers were in this instance determined by the Inspector, with which the scheme complies.

Appearance

39. The alteration to the appearance of the dwellings on Plots 3-5 by the addition of hipped roofs is satisfactory in my opinion, in this area of a variety of modern house styles and not within a conservation designation.

Access

40. The comments of the Local Highway Authority are noted. I consider that the scheme is acceptable in highway safety terms, and I recommend that the rumble strip be replaced as advised.

Other

My comments in relation to other matters raised remains as reported on 5th March 2008.

Recommendation

41. In accordance with the application dated 21st September 2007, as amended by drawings date-stamped 18th February and 28th March 2008. Approval of reserved matters – layout, scale, appearance, access and landscaping in accordance with outline planning permission reference and APP/W0530/A/06/2020762 (LPA reference S/0348/06/O) dated 6th February 2007.

Additional Conditions

1. SC22 (no additional windows) 'inserted at first floor level in the eastern elevation of Plot 3' - (RC22).
2. SC23 (obscured window) 'first floor bathroom window in the rear elevation of Plot 3' (RC23 'adjoining property at 31 Dolphin Close').
3. Notwithstanding the details shown upon no.2070629/04B, hereby approved, details of windows at first floor level in the rear elevation of the dwellings on Plots 3, 4 and 5 showing fixed pane with top-opening vents shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall be carried out in accordance with the approved details and thereafter retained in that condition (Reason - In order to protect the privacy of the occupiers of 31 Dolphin Close.)
4. SC21 Plots 1-7 (Withdrawal of permitted development rights) Part 1 Classes A and B (extensions and roof alterations) (RC23 'properties').
5. SC51 (Landscaping) (RC51).
6. SC52 (Implementation and maintenance of landscaping). (RC52).
7. SC5 (External materials) (RC5).
8. SC59 (Provision and retention of fencing) '3.4m', 'northern boundary Plots 6 and 7', add at end 'and thereafter retained'.

(Reason - To protect the privacy of users of the adjoining school swimming pool.)

9. Limitation on timing of vegetation removal (In the interests of the ecology of the site.)
10. Provision of bat and bird boxes (In the interests of the biodiversity of the site.)
11. Development shall not begin until a scheme for the provision and location of Fire Hydrants to serve the Development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved by the Local Planning Authority; no development shall take place otherwise than in accordance with the approved scheme.
(Reason - To ensure adequate provision is made for fire hydrants.)

Informatives

The applicant's attention is drawn to Condition No 5 of the outline planning permission APP/W0530/A/06/2020762 (LPA reference S/0348/06/O) dated 6th February 2007 relating to the provision of affordable housing.

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

- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning File ref APP/W0530/A/06/2020762 (LPA reference S/0348/06/O)

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