

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 June 2011

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/1981/10 - MELBOURN

New Dwelling - Land Adjacent to, 25, Station Road, for Mr Timothy Poulson

Recommendation: Approve subject to conditions

Date for Determination: 12 January 2011

Notes: The application has been reported to Planning Committee as the recommendation for approval is contrary to that of the Parish Council

The Site lies within the Melbourn Conservation Area.

Site and Proposal

1. The application site comprises an overgrown area of land lying to the rear of No. 21 Station Road. To the north lies the Grade II listed building known as The Pink Geranium and its car park. To the northwest is No. 23 Station Road, a single storey dwelling lying behind the Pink Geranium and sharing the access. To the northeast is the rear garden of No. 21 Station Road, which fronts the highway. The southwest boundary backs onto the rear gardens of Rose Lane, mainly No. 8 Rose Lane and the southeast boundary is bordered by a long thin car parking area serving No. 1-5 The Campkins and No. 11 Station Road. The boundaries are predominately high slatted fencing with surrounding vegetation. The site is within the village framework boundaries and in the conservation area of Melbourn that was designated in 1973.
2. The application proposes the erection of a two storey detached dwelling with a detached garage/carport. The alterations to provide access are being dealt with under a separate application S/1983/10/F, reported elsewhere on the agenda.
3. The full application dated 10 November 2010 was accompanied with a Design and Access Statement, Heritage Statement, Tree Survey and Report and photomontage.

Relevant Planning History

4. An application for a car park on the application site to serve Barclays Bank Plc was refused in October 1986 on highway safety grounds, as the access was not considered adequate for the flow of traffic that would be created. However, this was not the same access as the application site.
5. No 25 Station Road, the Grade II Listed Pink Geranium, has been extended in 1969, 1985, 1989 and 1991. These applications include alterations and extensions following fire damage and the erection of a conservatory.

6. A listed building application for the repair of the wall at the Pink Geranium was approved in November 1983
7. An application for a detached 1.5 storey dwelling was refused March 2009 (**S/0034/09/F**) for its impact on the historic character and appearance of the Conservation Area, wider setting of neighbouring listed buildings and the part removal of the listed wall that fronts Station Road for the purposes of visibility. This was later allowed at appeal. Paragraph 12 of the Inspectors report suggests that the large single storey family room and double garage design was at the limit of what, at the time, was considered compatible with preserving the diverse and loose knit character of the conservation area.

Policies

8. **National**
Planning Policy Statement 5 (PPS5): Planning for the Historic Environment
Planning Policy Statement 5: Planning for the Historic Environment: Historic Environment Planning Practice Guide
9. **Local Development Framework Core Strategy Development Plan Document (LDF CS) 2007: ST/5 Minor Rural Centres**
10. **Local Development Framework Development Control Policies (LDF DCP) 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, SF/10 Outdoor Playspace, Informal Open Space, and New Developments, SF/11 Open Space Standards, NE/1 Energy Efficiency, NE/3 Renewable Energy Technologies in New Development, NE/6 Biodiversity, NE/9 Water and Drainage Infrastructure, NE/12 Water Conservation, NE/15 Noise Pollution, CH/4 Development within the Setting or Curtilage of a Listed Building, CH/5 Conservation Areas and TR/2 Car and Cycle Parking Standards.**
11. **Local Development Framework Supplementary Planning Documents**
Open Space in New Developments SPD, Trees and Development Sites SPD, Development Affecting Conservation Areas, Biodiversity SPD, District Design Guide SPD
12. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
13. **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respect.

Consultations

14. **Melbourn Parish Council** have commented on several amendments over the course of this application. The original submission was recommended for refusal for the following reasons:

“It is felt by the planning committee that the proposed development is too tall, too far forward, over development, the plans are confusing as it does not show No.23, all surrounding properties are of a low profile i.e. single storey”.

Following amendments dated 15 March where changes were made to the ridge height, roof type and eaves height the Parish Council still recommended refusal and made the following comments:

“Recommend refusal on the grounds that the proposal is not in keeping with the conservation area, the proposal is too tall, too close to existing properties and too far forward of adjacent properties”.

15. The **Council’s Conservation Officers** original comments recommended refusal for the scheme, however, ongoing meetings and discussions with the applicant have changed this view. Revised comments on the scheme were not available at the time of writing the report and Members will be updated accordingly.
16. The **Council’s Tree Officer** informs that the development should be carried out in accordance with the submitted arboricultural report but a method statement for the No-dig drive is required prior to development commencing. Overall no objections.
17. The **Local Highway Authority** comment that although the achievable visibility splay to the north-west is below that required in Manual for Streets the Highway Authority accepts that the proposal will in all probability reduce vehicle movements though the existing access and therefore reduce the risks to all highway users.

A condition to any approval that the Planning Authority is minded to give should be to the effect that the junction layout must conform to that shown on drawing number SRM 005.

The proposed shared access should be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway.

18. The **Council’s Scientific Officer (Contaminated Land)** informs that there is evidence of another building having occupied this site in the past, which may have potential for unknown material. It is considered necessary in this case to ensure that future development does not commence until a detailed scheme for the investigation of contamination is carried out. This can be conditioned accordingly.
19. The **Council’s Environmental Health Officer** has no objections to the proposed scheme from a noise and pollution viewpoint. A condition regarding the times when power operated machinery may be operated during the period of construction should be used to protect neighbour amenity and informatives regarding pile driven foundations included.

20. The **Council's Urban Design Panel** advise that the scheme is fine in principle but have requested further detail on the wider views to inform of the impact on the Conservation Area and street scene through photomontage/modelling. It is also concerned that there is no real evidence of how the relationship between the surrounding area and the proposed scheme respond, or the comparison between the architectural style around the site and how the proposal will enhance and respond to this.

Representations

21. There have been 6 representations made for this application.

The occupants of **No. 23 High Street**, the closest property to the development site raises the following issues

- (a) The drawings do not show the true position of my dwelling
 - (b) The true position of the proposed dwelling is very close
 - (c) Will block out morning sun to the front windows of our property
 - (d) We would have no objection were the position of the house to be moved back so that the northwest corner would be beside the south west corner of our bungalow
 - (e) Inappropriate to build a house in this plot as all surrounding properties are modest bungalows or cottages
 - (f) The ultra modern design is not in keeping
 - (g) The original plans (under S0034/09) showed the dwelling set further back into the plot
 - (h) Would advise that a bungalow or dormer bungalow of traditional design be built
 - (i) As a Parish Councillor for 27 years and a co-author of the Melbourn History Book I have devoted much of my life to preserving the historic centre and the integrity of Melbourn.
22. The occupants of **No. 12 Rose Lane**, located to the rear of the development site raises the following concerns:
- (a) 2 storey property not in keeping with surroundings
 - (b) Would appreciate the removal of the elder trees and ivy at the boundary wall of my property be removed as they have gotten out of control and are cracking the wall
23. The occupants of **No. 14a Rose Lane** raise the following objections:
- (a) The allowed appeal decision was for a single storey property, this application is for a two-storey property, which is out of keeping with the area.
24. The occupants of **No 20 Rose Lane** raise the following objections:
- (a) This is a conservation area which should not have any additional buildings, if approved the design should be in keeping
 - (b) An additional dwelling would have an adverse impact on the already difficult traffic problems in Station Road
 - (c) Whilst the Pink Geranium was a restaurant the traffic flow problems were only at particular times

25. The architect and agent for the proposed scheme has submitted various representations to address the concerns raised by all those who have commented. The scheme has been amended, on several occasions to take on board the comments of the Conservation Officer, the Urban Design Panel and neighbours.

Planning Comments

26. The key issues to consider in this instance are the principle of development, the impact on neighbour amenity, impact on the conservation area, highway safety and parking provision and contributions

The Principle of Development

27. The site is located inside the development framework. It is also surrounded by residential development and the plot size similar, if not slightly larger to the neighbouring units. The site comprises 0.98ha and policy HG/1 sets 30 dph as a minimum density unless there are 'exceptional' circumstances requiring a different treatment. The changes to PPS3, means it is no longer reasonable to insist on 30 dph in all but 'exceptional' circumstances, and a lower density will be appropriate if other material considerations suggest otherwise. The density for this site equates to 6 dph. This is considerably lower than the adopted 2007 Local Development Framework policy requirements. However, given the surrounding context and the layout of the existing properties along Station Road and the sensitivity of the site in the Conservation Area it is considered that more than one unit on this site would create a cramped form of development not in character with the existing context, street scene or neighbouring properties.
28. Policy supports the erection of new dwellings in the village framework providing the dwelling is in scale and character with its surroundings. The principle of a dwelling is therefore considered appropriate in this instance. Melbourn is identified as a Minor Rural Centre under Policy ST/5 of the adopted South Cambridgeshire LDF Core Strategy DPD 2007. As such the provisions of Policy DP/7 applies, which permits the development of unallocated land within development frameworks, subject to the proposal not leading to a loss of character or local employment, being respectful to local features and providing the necessary infrastructure. In this instance, the proposal does relate to unallocated land, where it is felt that a new dwelling could be satisfactorily accommodated in this context.
29. The allowed appeal decision confirms that this site is suitable for development providing the scheme is of a good design that fits well within the Conservation area and its wider setting. The principle of development is therefore considered acceptable.

Impact on Neighbour Amenity

30. The allowed appeal scheme under S/0034/09/F was located 14 metres from the rear boundary of No. 21 Station Road, the 1.5 storey bulk was 8 metres in depth, and a further 7.2 metres in depth at single storey. It proposed a 2-metre distance from the shared boundary of No. 23 at its closest point. The highest ridgeline measured 7metres with an eaves height of 4 metres. The

single storey wing to the rear measured 4.5 to the ridge. The distance between the closest rear elevation and the rear boundary comprised 12.2 metres. Front and rear facing dormers were proposed in the roof. The scheme was not refused on neighbour amenity grounds and neither did the inspector raise any major concerns in this regard.

31. The proposed scheme is drawn up on a slightly larger plot than that approved at appeal. The 2010 application site is longer from front to back (54m compared to the allowed appeal size at 43m) and therefore whilst the new dwelling is a further distance from the rear boundary of No. 21 (approx 21m), the revised scheme, if plotted on the appeal site edged red would be 11 metres from the rear boundary of No. 21 and therefore 3 metres forward of the originally allowed scheme. It has a maximum height of 6.5 metres to the ridge, is 4.4 metres to the eaves and a maximum 10.8metres in depth. The distance between the closest rear elevation and the rear boundary comprises approximately 22 metres.
32. With regard to the distances between the front and rear boundaries and the proposed minimal openings to the northwest and southeast elevations, overlooking is not considered to be a reason for concern.
33. The scale of the proposal is technically similar to that of the allowed scheme, though it proposes a completely different design approach and removes the single storey element. The allowed scheme had a depth of 8 metres at two storeys, with an eaves height of 4 metres. The proposed scheme is 10.8 metres in depth at two storeys with a slightly increased eaves line of 40cm. It is considered that the overall bulk has changed marginally at 2 storeys, though the removal of the single storey element to the rear has reduced its overall bulk on the plot as a whole. In light of the aforementioned it is considered that the bulk of the proposed scheme is not overbearing to neighbour amenity.
34. The proposed scheme, as previously indicated has been moved forward in the plot when compared to the allowed scheme at appeal, by approximately 3 metres. These 3 metres at two storeys have been raised by the occupiers of No. 23 Station Road as being detrimental to amenity by undue loss of light and overbearing impact to the front of their property. The proposed scheme would be located immediately to the south east of the front elevation of No. 23. Whilst there is a relatively strong tree boundary along this shared boundary there is a gap that would be primarily filled by the new development if approved. The outlook from the openings of No.23 would change considerably, however, given the comparison of scale parameters of the two developments it is not considered that the proposed scheme would be unduly overbearing. However, it has been further discussed with the agent that the development, if moved back by three metres would help to address some of the issues raised by the occupiers of no.23 Station Road and reduce any potential loss of light to the front openings. Given the site size and the increased depth at the rear, an additional 3 metres backwards would improve neighbour-to-neighbour relation at No. 23 without compromising the relationship with the properties to the rear.
35. Officers consider that the proposed scheme as currently submitted does not result in a significant loss to neighbour amenity that would warrant reasons for refusal.

Design and Impact on the Conservation Area

36. The proposed scheme is vastly different to that allowed at appeal in terms of design, however, it is not always considered necessary or indeed appropriate to replicate traditional design to ensure buildings fit together in a wider context. The Urban Design Panel raised concern with regard to the design and material and the architect has provided evidence that brought together the materials of the proposed with that of the surrounding area. Development locally in Kays Close, also within the Conservation Area, is of a similar design and material palette and mentioned in the Council's District Design Guide under the Architecture paragraph 6.147 and the SPD Development Areas Affecting Conservation Areas under paragraph 2.15.
37. The design form is proposed to enable the development of a highly energy efficient building with low energy consumption. The glazing on the southwest elevation is designed to enable passive heat collection, solar hot water collectors will be combined with high volume hot water storage to minimise energy for hot water use and to supplement the low temperature for under floor heating coils. SUDS will be incorporated for surface water drainage
38. In allowing the previous appeal the inspector indicated quite clearly that the strongest and most visible feature in the vicinity is the flint wall that fronts Station Road. It was considered that the loss of a small part of this would have a slight adverse impact on the conservation area, however, to the major benefit of road safety along this stretch of road.
39. The Conservation Officer's concerns have seen a vast improvement in the design with regard to the overall scale of the proposal. While the revised comments of the Conservation officer were not available at the time of writing the report I am satisfied that the changes suitably meet the requirements of the Local Development Framework Development Control Policies 2007.

Highway Safety and Parking Provision

40. The comments from the Local Highway Authority are noted. The principle of the increase access width is considered acceptable through the outcome of the appeal. The provision on site for off road parking meets the adopted standards and turning space on site is considered adequate. There is no reason for refusal based on highway safety or parking provision in this instance.

Contributions

41. *No reference has been made in the submissions with regard to the provision for open space or community facilities. Policy DP/4 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 states that planning permission will only be granted for proposals that have made suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms.*
42. *Policy SF/10 of the LDF The South Cambridgeshire Recreation Study 2005 identified Melbourn as having a shortfall of play space. The proposed dwelling will result in an increase of occupants. 10sqm of informal open space on-site or a contribution towards off-site provision of such space of £3,104.38 is*

required. This is index-linked and would be secured through the signing of a Section 106 legal agreement. Confirmation that the applicant would be willing to make such a contribution has been received.

43. In accordance with Policy DP/4, a charge is justified in line with the Community Facilities Assessment 2009, seeks a financial contribution of £513.04 towards indoor community facilities. This is index-linked and would be secured through the signing of a Section 106 legal agreement. Confirmation that the applicant would be willing to make such a contribution has been received.
44. South Cambridgeshire District Council has adopted the RECAP Waste Management Design Guide, which outlines the basis for planning conditions and obligations. In accordance with the guide developers are required to provide for household waste receptacles as part of a scheme. The current fee for the provision of appropriate waste containers is £69.50 per dwelling. The costs will be secured via a Section 106 agreement and would be required to be paid upon completion of the agreement.
45. Confirmation that the applicant would be willing to make such a contribution has been received.

Conclusion

46. The scheme for the revised dwelling has undergone many changes and been the subject of ongoing discussion since its original submission in November 2010. It is considered to be an acceptable revision to that allowed at appeal and with a few very minor changes the scheme can be supported.

Decision/Recommendation

47. Approval subject to conditions
 1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: DTM 005, DTM 015 franked 18th November 2010 and DTM 017B, DTM 021 franked 15th March 2011
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 3. The development, hereby permitted, shall be carried out in accordance with the external materials referenced within the application forms and approved drawings, unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the northeast elevation of the dwelling unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
5. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 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.)
6. The development, hereby permitted, shall not be occupied until space has been provided within the site for vehicles to enter, turn and leave the site in forward gear, and to park clear of the public highway, in accordance with the details shown on Drawing DTM 005 franked 18th November 2010 and that space shall thereafter be retained for those purposes.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
7. The access and driveway shall be constructed with adequate drainage measures to prevent surface water run-off onto the public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.
(Reason – In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details 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.
(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.)
9. 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.)

10. 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.)

11. No development shall begin until details of a scheme for the provision of public open space infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy DP4 and Policy SF/10 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

(Reason - To ensure that the development contributes towards public open space in accordance with the above-mentioned Policy SF/10 and Policy DP/4 of the adopted Local Development Framework 2007.)

12. No development shall begin until details of a scheme for the provision of community facilities infrastructure, waste receptacles and Section 106 monitoring costs, to meet the needs of the development in accordance with adopted Local Development Framework Policy DP/4 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

(Reason - To ensure that the development contributes towards infrastructure in accordance with the above-mentioned Policy DP/4 of the adopted Local Development Framework 2007.)

13. Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority.

(Reason - To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

14. Contamination

No development approved by this permission shall be commenced until:

- a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation

objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.

- b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
- c) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
- d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.

(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).

- 15. 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 or in accordance with drawing number SRM 005 (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 16. The access and driveway shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.
(Reason – In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informative

Should driven pile foundations be proposed, then before works commence, a statement of the method of construction of these foundations shall be submitted and agreed by the District 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 Environmental Health Officer in accordance with best practice and existing waste management legislation.

In the event that the Planning Authority is so minded as to grant permission to the proposal please add an informative to the effect that 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 background papers were used in the preparation of this report:

- Circulars 05/2005 and 11/1995
- South Cambridgeshire Development Control Policies Development Plan Document 2007
- SPD District Design Guide
- Planning File ref S/0034/09, S/1984/10, S/1983/10.

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