

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 March 2012

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

S/2520/11 - Waterbeach

Outline Planning Application for the determination of the means of access for the erection of a dwelling at land to the rear of 54 Way Lane, Waterbeach for RJC Construction Ltd.

Recommendation: Refusal

Date for Determination: 10th February 2011

This application has been referred to the Planning Committee for determination at the request of the Local Member Cllr Johnson.

Members will visit the site on Tuesday 6th March 2012.

Site and Proposal

- 1 The application site of 0.08ha comprises a piece of land situated to the rear of the garden of no.54 Way Lane. The site is accessed off Way Lane by a gated driveway to the side of no.54 Way Lane and is within the village development framework. Way Lane is a predominantly linear residential road with a mixture of house types. The site is undeveloped and at present is un-kempt and has a storage container and shed structure in situ.
- 2 The proposal seeks the outline determination for the means of access to the land to the rear of no.54 Way Lane for the erection of a dwelling, with illustrative details outlining the layout and elevations for a detached single-storey, two-bedroom bungalow and detached single garage.
- 3 The application is for outline consent only with details of scale, layout, appearance and landscaping to be agreed by Reserved Matters. A Planning Statement, Design and Access Statement and Ecological assessment accompany the application. In addition a letter of support from local member Cllr Peter Johnson also accompanies the application.

Planning History

- 4 Planning Application 1235/11 for an outline application for the means of access for a single storey dwelling was withdrawn.
- 5 Planning Application S/0494/11 for an outline application for the means of access for a single storey dwelling was withdrawn.
- 6 Planning Application S/0201/96/F for an outline application for the means of access for a single storey dwelling was refused and dismissed upon appeal on the grounds of loss of privacy and noise and disturbance and loss of character of the area.

Policies

7. South Cambridgeshire Local Development Framework Core Strategy 2007
ST/5 Minor Rural Centres
8. South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
DP/1 Sustainable Development
DP/2 Design of New Development
DP/3 Development Criteria
DP/4 Development Infrastructure
DP/7 Development Frameworks
HG/1 Housing Density
NE/1 Energy Efficiency
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
9. South Cambridgeshire Supplementary Planning Documents
District Design Guide, Adopted March 2010.
Open Space in New Developments, Adopted January 2009.

Consultations

10. **Waterbeach Parish Council** – Recommends approval subject to the restriction that the dwelling would be single storey.
11. **Local Highway Authority** – Raise no objection subject to conditions for the provision of pedestrian visibility splays, a setback of 5m for any gates and the provision of bound surface material within 6m of the highway boundary.

Representations

12. 3 Letters have been received from the occupiers of 52, 54 and 56 Way Lane, the contents of which are summarised below:
 - The siting of a dwelling to the rear of nos.54 and 52 Way Lane would lead to the introduction of adverse noise from car movements and residential activity;
 - The site is currently derelict and has storage containers and old building materials stored within it, which is unsightly;
 - Whatever the outcome of the application the site should be cleared up;
 - The application states that local consultation has taken place, this is incorrect as the occupiers of the nearest neighbouring property have not had any communication with the developer;
 - The wall separating the front and rear corners of no.54 Way Lane does not form an adequate visual or acoustic barrier between the site and no.54;

- The activity of pedestrians and vehicles passing directly past the front and rear bedroom windows of no.54 would disturb the amenity currently enjoyed by this property;
- Two bathroom windows open onto the access way and its use would compromise the security and privacy of no.54;
- The application quotes that the building envelope would be limited, however, the existing storage containers on site are clearly visible from no.54 and therefore any proposed dwelling would be visually prominent;
- The use of the site for vehicle movements and children's play would increase the level of activity that exists and would be intrusive to the otherwise peaceful secluded nature of the existing environment;
- The proposal would not be in keeping with the pattern of development within the area;
- The representation of local member Cllr Johnson is misleading as he states that local neighbours support the scheme, however, it is clear that those nearest do not;
- The reasons for refusal cited within the previous appeal decision are still relevant and should still stand;
- The government has introduced new planning rules to prevent 'garden grabbing', which is further justification for the refusal of this planning application.

13. **Local Member Cllr Peter Johnson** has requested this application be determined by the Planning Committee on the grounds that there is a wish to give committee members the chance to visit the site and investigate the changes in circumstances since the appeal was dismissed for the residential development of the site. Cllr Johnson comments are summarised below;
- The proposal for a two-bedroom bungalow would fit well into the proposed area and would not be overbearing upon adjacent properties or result in a loss of privacy.
 - The site has an existing means of access to a site of no lawful use leaving the site's future unclear and open to abuse.
 - There is a shortage of small single storey properties within the village allowing elderly people to downsize their accommodation with manageable gardens.
 - There are other examples of similar types of development within Way Lane such as at sites at 11, 55 Way Lane, and 22 High Street. Therefore there needs to be a consistency with decisions;
 - The development within Saberton Close has a greater impact upon properties in Hartley Close than this proposal;
 - There is genuine support from various close neighbours including those to the opposite side of the access.

Planning Comments

- 14 The key considerations in the determination of this application are the impact that the development would have upon residential amenity, highway safety, character and appearance of the area and village infrastructure.

Character & Appearance

15. In the previous appeal decision the inspector gave weight to the western side of Way Lane and not the east, where examples of back land development have been undertaken as referenced by the Local Member and applicant.

The Inspector stated that the western side of Way Lane has a strongly defined character of frontage development with enclosed private gardens to the rear of properties due to the roads running parallel to one another. The Inspector referenced the importance of the value of the sense of privacy of the gardens to properties within Hartley Close and Way Lane. In consideration of this issue the Inspector gave sufficient weight to the level of activity and sense of proximity that would result from the siting of the proposed bungalow concluding that it would be alien within this location and would spoil the general sense of privacy and seclusion within the rear gardens that was considered to be important to the character of the immediate area.

16. The examples of other similar development within the vicinity are not considered to relate to the context referred to within the inspector's decision where an assessment of the parallel nature of this specific part of Way Lane and Hartley Close was referenced. The development within Saberton Close loosely conforms to the pattern of development within the area, as it continues the parallel linear form between Way Lane and Hartley Close. In light of the above the introduction of built form due east of the swathe of secluded private garden land to the rear of nos.66-50 Way Lane would be contrary to the planned layout of the area and would result in uncharacteristic alien development to the detriment of the character and appearance of the area, which benefits from secluded garden land free of built form and activity.

Residential Amenity

17. The Inspector reviewed the impact that the proposed access would have upon the amenity of no.54 Way Lane. It was concluded that the arrangements including the 1m separation strip from the access road and the brick wall that encloses the garden and rear habitable rooms serving this property would provide an adequate sense of privacy to safeguard the privacy and protection from noise and disturbance to the occupiers of no.54 Way Lane. Following this appraisal it is considered that no material change in circumstances have taken place to alter this assessment. Therefore the means of access to the proposed dwelling is not considered to result in an unacceptable impact upon the amenity of the occupiers of no.54 Way Lane by way of noise and disturbance or loss of privacy.
18. Notwithstanding the above, the siting of a dwelling would as stated within the appeal statement introduce a level of activity alien to this area by providing a dwelling and associated residential activity that is currently not present within close proximity to other residential properties due to the layout and nature of the existing private gardens. No material change in circumstances has taken place since this decision and the proposal would be no different to that previously dismissed upon appeal. Furthermore, this adverse introduction in activity is most significant to the occupiers of no.54 Way Lane as this property abuts the site and has a significantly smaller garden than that of surrounding neighbours, as the application site once formed part of its original garden.

Infrastructure

19. The dwelling that would result from the proposal would provide a two-bedroom property and in order to meet the requirements of this development in respect of the increase in the capacity of occupants to the village the proposal would require the provision of an off-site contribution towards off-site

public open space within the village. This has been calculated at £2,224.90 (index-linked). The proposal would also require the developer to pay a sum of £378.88 towards community infrastructure within the village in addition to a S106 monitoring fee of £50 and refuse bin provision fee of £69.50. The village of Waterbeach has a shortfall in both its play space and formal sports provision and requires indoor community facilities to accommodate its population.

20. The developer has acknowledged the above planning obligations and has agreed to enter into a S106 agreement, and is aware of bearing the cost of all associated legal fees.

Highway Safety & Car Parking

21. Access to the site has not been contested in the past by the previous refused planning consent or the dismissed appeal decision that followed. Therefore it is considered that the proposal would be served by adequate provision of an access onto the public highway that would not result in the detriment of highway safety subject to the provisions of conditions requiring details of the surface material to be laid, the set back of gates, and pedestrian visibility splays.
22. The illustrative plans show that the plot would provide sufficient car parking for a single dwelling with two spaces with adequate turning clear of the public highway.

Conclusion

23. The applicant's planning statement references that the land in question has been physically divorced and in separate ownership from the garden of no.54 for approximately 6 years. Furthermore, the site has an established access and has been used for the temporary storage of materials and equipment of a former construction business. Therefore the site should be considered as brownfield land as it has been previously developed and is now effectively derelict for practical purposes. The applicant therefore argues that in line with the recent draft National Planning Policy Framework that the "answer to development and growth should, wherever possible, be 'yes', except where this would compromise the key sustainable principles set out with the National Policy Framework". The applicants statement therefore concludes that in line with the key principles mentioned above there should be a presumption in favour of development following the desire to make effective use of land and re-use of land accordingly.
24. Notwithstanding the above argument, for the reasons set out with paragraphs 15-18 above, officers disagree with the assessment of the site's context in relation to surrounding development and are of the opinion that the development proposal would not follow the planned layout of the site's surrounding context to the detriment of the amenity of surrounding neighbours. Nevertheless, officers acknowledge that the site within its present form is also unsatisfactory and that as the land, whilst divorced from the ownership and garden of no.54 Way Lane for some time, has no present lawful use other than its previous garden designation as it has remained undeveloped. Therefore, it will be necessary to ensure that the site is subsequently tidied up, with the removal of left over building materials should the application be refused as recommended.

25. In light of the above and having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be refused in this instance.

Recommendations

24. Refuse for the following reason:

1. The proposal to develop the land to the rear of nos.54 Way Lane for the erection of a dwelling would introduce a level of activity and sense of proximity that is alien within this locality at present, that would spoil the general sense of privacy and seclusion to the rear garden of this property, and that provides a significant part of the character of the immediate area. The site does not provide a satisfactory building plot for the acceptable siting of a dwelling that would not result in a detrimental impact upon the amenity, sense of place and character for the surrounding inhabitants, which within this location carries greater weight than the consideration of an efficient use of land for the provision of housing.

The proposal is therefore contrary to Policies DP/2 and DP/3 of the South Cambridgeshire Local Development Framework, Development Control Policies, DPD, 2007, which require that all new development must be of high quality design and, as appropriate to the scale and nature of the development, should preserve or enhance the character of the local area, and that planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity and village character.

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

- South Cambridgeshire Development Control Policies Development Plan Document (2007)
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- LDF Adopted Core Strategy Development Plan Document (2007)

Contact Officer: Mike Jones – Senior Planning Officer
01954 713253