

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5 December 2012

AUTHOR/S: Planning and New Communities Director

S/1796/12/FL - MELBOURN

ERECTION OF 5 DWELLINGS (COMPRISING ONE 4 BEDROOM BUNGALOW, ONE 3 BEDROOM HOUSE, AND ONE 2 BED HOUSE, WITH TWO 1 BED FLATS (AFFORDABLE UNITS)), AND REMODELLING OF EXISTING PUBLIC HOUSE CAR PARK, 29 HIGH STREET, MELBOURN FOR LETCHWORTH PALACE LTD

Recommendation: Delegated Approval

Date for Determination: 10 January 2013

Notes:

This Application has been reported to the Planning Committee for determination because the officer recommendation of delegated approval is contrary to the recommendation of refusal from Melbourn Parish Council.

Part Conservation Area

To be presented to the Committee by Paul Sexton

Site and Proposal

1. This full application, as amended by drawings received on 15 November 2012, proposes the erection of 5 new dwellings on land which currently forms part of the car park and garden area of The Old Elm Tree Public House, 29 High Street, Melbourn.
2. The application involves a remodelling of the existing car parking area adjacent to High Street to provide 18 parking spaces, with an additional 2 disabled parking spaces sited adjacent to the public house. It is proposed to have a single point of access from High Street, close to the building, serving the public house and car park, with a roadway running to the rear of the site.
3. The new housing development will comprise a pair of one-bedroom affordable houses sited gable end to the rear of the car park area, with a pair of semi-detached chalet style dwellings, 1 two-bedroom and 1 three-bedroom, sited to the rear of the existing garden of the public house and a four-bedroom bungalow in the south west corner of the site, grouped around a turning head and parking area.
4. To the north east of the site are the rear gardens of properties in Norgetts Lane. To the south east are the rear gardens of properties in Spencer Drive and to the south west are the rear gardens of properties in Meadow Way
5. The density is 29.5 dwellings per hectare.
6. The front section of the site and the rear gardens of the proposed dwellings on Plots 3 and 4 are within the Conservation Area, however the main body of the site is outside.

7. The application is accompanied by a Design and Access Statement, Heritage Statement, Ecological Assessment, Acoustic Report, Waste Design Toolkit and Section 106 Draft Heads of Terms.

Planning History

8. **S/0843/12/FL** – Erection of 6 Dwellings and remodelling of existing public house car park - Refused

S/1137/95 – Three dwellings - Withdrawn

Planning Policy

9. **South Cambridgeshire Local Development Framework Core Strategy Development Plan Document: ST/5** – Minor Rural Centres
 10. **South Cambridgeshire Local Development Framework Development Control Policies adopted July 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, **HG/2** Housing Density, **HG/3** Affordable Housing, **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 Developments, **NE/6** Biodiversity, **NE/9** – Water and Drainage Infrastructure, **NE/10** Foul Drainage – Alternative Drainage Systems, **NE/11** Flood Risk, **NE/12** Water Conservation, **NE/14** Lighting Proposals, **NE/15** Noise Pollution, **CH/2** Archaeological Sites, **CH/4** Development Within the Curtilage or Setting of a Listed Building, **CH/5** Conservation Areas, **TR/2** Car and Cycle Parking Standards.
 11. **South Cambridgeshire LDF Supplementary Planning Documents (SPD)** - Open Space in New Developments - adopted January 2009, Development Affecting Conservation Area – adopted January 2009, Public Art - adopted January 2009, Trees and Development Sites - adopted January 2009, Biodiversity - adopted July 2009, Listed Buildings – adopted July 2009, Landscape in New Developments - adopted March 2010, Affordable Housing – March 2010 and District Design Guide - adopted March 2010
 12. National Planning Framework
- Consultation by South Cambridgeshire District Council as Local Planning Authority**
13. **Melbourn Parish Council** recommends refusal of the application as originally submitted.
 - a. “Access road initially 5m wide but reduces to 4m wide inside the gated entrance. This is too narrow for vehicles to pass around the two 90 degrees bends and with restricted vision from the planting and hedgerow is probably a danger area.
 - b. The initial access (10m) to the gated entrance is apparently not separated from the pub car parking spaces, this will cause problems.

- c. As previous objections the reduced number of car parking spaces for the pub will lead to parking on the High Street.
- d. We object to a 'gated development' so prominent in the High Street, what is the reason for this?
- e. Bin storage area
 - i. If this is an unadopted road rubbish collection vehicles will not service them, they are some 30m from the highway.
 - ii. The location is adjacent to a bungalow, we are concerned about smells etc from 14 bins affecting this property in particular.
 - iii. Some residents will be expected to take their bins 40-50m to this area.
- f. No disabled parking is shown either in the pub car park or development site, likewise visitor parking. These were shown on earlier applications.
- g. The footpath. Is this a public footpath across private land and with a gated restriction into the site. If not public how does the public access it?'

Comments on the amended scheme will be reported.

14. The **Local Highway Authority** recommends refusal of the application as originally submitted on the basis that the required inter vehicle visibility splays of 2.4m x 43m are not achievable due to the relocated access arrangements. As the access was not a reason for refusal of the previous application the rationale behind the relocation of the proposed access is question.

Comments on the amended scheme will be reported, however the access arrangements are now the same as for the refused application, to which no objection was raised by the Highway Authority.

15. The **Conservation Manager** comments that revisions were made to the refused scheme to address concerns raised about potential impact of the scheme on the Conservation Area. The further revisions to the current application further reduce any impact.
16. The **Environment Agency** advises that as the site falls within Flood Zone 1, and there are no other related Agency related issues in respect of this application, it is for the District Council to respond on behalf of the Agency in respect of flood risk and surface water drainage related issues.
17. The **Corporate Manager Health and Environmental Services** has concerns about the potential impact on the amenity of the future occupiers of the proposed houses due to the permitted operation of the public house. There is concern that the Acoustic report submitted with the application does not take account of instances where the public house may wish to have entertainment such as live/recorded music and dancing, which is permitted under its licence until midnight on Fridays and Saturdays. It is suggested that there should be restrictions placed on these activities should consent be granted, and that as the public house is in the same ownership this may be possible to achieve.

The application, as originally submitted, does not adequately address these issues, however officers are confident that, following a meeting between Environmental Health Officers and the applicant, that the concerns can be overcome by design changes, without the need to restrict operations of the public house.

In respect of the proposed construction works it requests that conditions are included in any consent restricting the hours of operation of power driven machinery during the period of construction, and requiring the submission of a statement of the method for construction of driven pile foundations, if to be used, in order to minimise the effects of the development on nearby occupiers. An informative should be included regarding the use of bonfires and burning of waste during the construction period.

Comments on the amended scheme will be reported.

18. The **Contaminated Land Officer** is satisfied that a condition relating to contaminated land investigation is not required.
19. The **Trees and Landscapes Officer** comments that the trees within the site have been categorised as C under BS5837 guidance, which means they should not restrict development. There are no objections to the proposals and the replacement landscaping will provide screening in time and improve the existing street scene.
20. The **County Archaeologist** advises that the site is located in an area of high archaeological potential and therefore recommends that a programme of archaeological works be secured by condition.
21. The comments of the **Environment Operations Manager** will be reported at the meeting

Representations by members of the public

22. Letters of objection have been received from the occupiers of 1b Meadow Way and 8 Spencer Drive in respect of the scheme as originally submitted.
 - a. Development is out of character with the area. Density is too high.
 - b. Will result in overlooking of 1b Meadow Way.
 - c. Development will prejudice road safety in High Street. Although the access has been moved from the refused scheme it is still close to the bend, on a busy section of road.
 - d. Insufficient car parking spaces provided for the public house, which will lead to parking on High Street, exacerbating the highway dangers. The application refers to a public car park 'a few metres away' whereas it is approximately 200m away and beyond a distance that people are prepared to walk.
 - e. The building of the Hub on the site of the current police house will cause increased traffic at this point.
 - f. Increased congestion will adversely affect entrances and exits to Meadow Lane and Norgetts Lane and increase the risk to school children crossing there.

- g. No space allocated for storage of waste bins at the kerb side. Waste lorries will not be able to access the development which will result in bins being left on narrow pavement in High Street.
- h. A new footpath is shown, which will increase safety, but will it be private or public? There is a gate which if locked safety of people forced to use the access roadway is significantly reduced.
- i. Type of dwellings based on profit rather than the needs of the local community.
- j. There will be a loss of views from existing property in Meadow Way.

Comments on the revised scheme will be reported.

Material Planning Considerations

- 23. The previous planning application was refused by Planning Committee following a site visit on three grounds. Firstly, that the proposal represented an overdevelopment of the site which, due to the proximity of the proposed buildings to the boundary of properties in Spencer Drive and Meadow Way, would be overbearing when viewed from those properties. Secondly that the scale, mass, form design and proportions of the proposed dwellings was incompatible with immediately surrounding properties which were either single-storey or chalet style dwellings, and thirdly, that the application failed to demonstrate that the amenity of future occupiers of the proposed dwellings would be adequately safeguarded from potential noise and disturbance from permitted activities at the adjacent public house.
- 24. The key issues to be considered in the determination of this application are the principle of development, housing mix and density, affordable housing, character of the development; impact on the Conservation Area, neighbour amenity, highway safety (including revised parking for the public house), drainage, and other matters. In particular Members should consider whether the current application adequately addresses the previous reason for refusal.

Principle of Development

- 25. The site is located within the village framework of Melbourn. The site is centrally located within the village in a sustainable location. Melbourn is identified as a minor rural centre where residential development and redevelopment up to an indicative maximum scheme size of 30 dwellings will be permitted, subject to compliance with other policies in the plan.

Density and Housing Mix

- 26. Policy HG/1 requires schemes to make best possible use of sites by achieving net average densities of at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment. The density of the scheme is 29.5 dwellings per hectare and officers are of the view that this is acceptable given the location of the site, providing it can be demonstrated that the development will not have an adverse impact on the character of the area and neighbour amenity. These issues are discussed below.

27. In respect of the market housing the application proposes one 2-bedroom house, one 3-bedroom house and one 4-bedroom bungalow. Officers are of the view that this mix satisfies the aims of Policy HG/2.

Affordable Housing

28. Policy HG/3 requires schemes to provide at least 40% of the total number of dwellings proposed as affordable dwellings. This scheme proposes 2 affordable housing from the 5 units proposed and is the percentage that officers would seek from this scale of development. The units (Units 1 and 2) are for rent and are one-bedroom flats. The Housing Development and Enabling Manager supports the scheme. The relationship of these units within the site with existing properties is discussed later in the report.

Character of development

29. The proposed building which forms Units 1 and 2 remain two storey buildings as in the original application, with a ridge height of 8.5m and a narrow span. The existing public house building at the front of the site is a two-storey building.
30. The design of the linked units on Plots 3 and 4 has been simplified, with the eaves levels lowered and the height of Plot 4 reduced. These buildings now take on the form of chalet style dwellings. The adjacent houses in Spencer Drive are chalet style dwellings.
31. Plot 5 is a single-storey dwelling, whereas in the refused application this part of the site was to be occupied by two plots comprising linked two-storey and single-storey dwellings. The single storey form is in character with the form of existing dwellings in Meadow Way and Norgetts Lane.
32. Officers are of the view that the revisions to the form and design of the dwellings overcome the reason 2 of the previous refusal.

Impact on the Conservation Area

33. The current view of the site from the High Street is of an extensive open area of car parking with some planting beyond, softening the impact of housing development beyond. The proposal will allow for new planting at the front of the site and again at the rear of the car park, which will soften the impact of development when viewed from High Street. The closest dwelling will be 30m from High Street.
34. Officers note the concern about the proposed gated entrance, however if this is of rural appearance in visual terms it would be acceptable.
35. Officers are of the view that the proposal will preserve the character of the conservation area.

Neighbour Amenity

36. The proposed dwellings on Plots 3 and 4 have been designed so that there are no first floor windows in the rear elevation facing the rear gardens of properties in Norgetts Lane. The main section of the proposed dwellings will be located 10m from the boundary with those properties, the rear gardens of which are a minimum of 25 metres deep. Given that the ridge height of the proposed dwellings is 7m and 6m

respectively, officers do not consider that there will be a significant loss of light to the rear gardens of properties in Norgetts Lane.

37. As amended the gable end of the dwelling on Plot 4 will be sited 3.5m from the rear boundary of properties in Spencer Drive, an increase of 1.5m from the refused scheme. The properties in Spencer Drive are located a minimum of 11m from the boundary. The new dwellings will be to the north west and Plot 4 will have a ridge height of 6m, a reduction of 1m from the refused scheme. The eaves height has been reduced by 1.5m. Officers are of the view that, the given the additional distance from the boundary and the reduction in ridge and eaves height which reduce the mass of the building when viewed from the south, the dwelling on Plot 4 will not result in an unreasonable loss of light and will not be overbearing when viewed from properties in Spencer Drive.
 38. As amended the proposed main section of the bungalow on Plot 5 will be 3.5m, and the lower front projection 1.6m, from the boundary with the rear gardens of adjoining properties in Meadow Way. This compares with distances of 2m and 1m respectively on the refused application. A privet hedge is proposed on the boundary of Plot 5 with Meadow Way. The ridge height of the main section of the building remains at 5.5m. The roof is hipped away for the boundary with Meadow Way, and as a result the ridge will be 7m from the boundary. The length of the forward projection, which has ridge height of 4.5m, has been reduced from 9m to 8m and a hipped roof introduced to reduce the mass of the building when viewed from the gardens of properties in Meadow Way. The existing dwellings in Meadow Way are a minimum of 15m from the boundary and officers are of the view that the relationship of the proposed development to these properties is acceptable.
 39. There is one first floor window in the rear elevation the building on Plots 1 and 2, which is 9m from the boundary with Meadow Way. This window will serve a landing area and a condition can be attached to any consent requiring it to be obscure glazed to prevent overlooking.
 40. Officers are of the view that the scheme as amended adequately protects the amenity of the occupiers of existing adjacent dwellings, and addresses Reason 1 of the previous refusal.
 41. The Environmental Health Officer has expressed concern about the relationship of the proposed dwellings to the existing public house, in respect of possible noise disturbance from late night music and activity which it currently has a licence for. Further discussions have been held with the applicant on this point and it would appear that a solution can be found by making minor changes to the position of bedroom windows and introducing acoustic fencing in specified areas, without the need to impose restrictions that might affect the long-term viability of the public house.
 42. Revised details are to be submitted and officers will update Members on this point at the meeting.
- Highway Safety and Parking*
43. The Local Highway Authority objected to the application as originally submitted however the access details have subsequently been amended, although the road is not to be offered for adoption. Adequate car parking is provided for the new dwellings. Access parking was not a reason for refusal of the earlier application

44. The revised car parking arrangements for the public house provide for 20 spaces, and whilst this is a reduction on the number of spaces currently available, it is compliant with the maximum car parking required by the Council's car parking standards.
45. Officers note the concerns about the location of the access road to the proposed dwellings being between the public house and its car park, however there are relatively low number of dwellings proposed and any conflict will be minimal.
46. Deliveries to the public house will have to take place from High Street.
47. The comments of the Environment Operations Manager will be reported and it is important to ensure that the layout is compliant for waste vehicle access and bin collection. A bin storage area is provided to the side of the car park, in front of the entrance to the new dwellings.
48. The applicant has indicated that there is the potential to create a temporary access on the south west side of the site for the construction period to avoid conflict with access to the public house.

Drainage

49. The site is identified by the Environment Agency as being within Flood Zone 1. It is therefore not a site where there is a requirement to submit a flood risk assessment or seek the views of the Environment Agency.
50. Officers are aware of the local concern re flooding issues in the area, and that additional hard surfaces within the site will have the potential to exacerbate existing problems, however the applicant will need to implement a surface water drainage scheme that will ensure that existing run off rates are not increased. This can be secured by condition.

Other matters

51. The application is accompanied by a draft heads of terms for a Section 106 Agreement to cover the required open space and community infrastructure provision required by Policies DP/4 and SF/10.
52. In the Design and Access Statement the applicant states that the new houses will incorporate high levels of insulation which will comply with the new building regulations and the proposed development will have photovoltaic cells, which will provide at least 10% of the energy requirements for the development.

Conclusion

53. Consultations on the amended scheme will be reported, however officers are of the view that the application, as amended, has adequately addressed the first two reasons for refusal of the earlier application. Discussions regarding the concerns about the relationship of the proposed dwellings to the existing public house and the potential impact on the amenity of future residents are on-going, although it would appear that these can be satisfactorily resolved, without prejudicing the potential viability of the public house.
54. Members will be updated at the meeting.

Recommendation

55. That subject to the concerns of the Environment Health Officer being satisfactorily resolved, delegated powers be granted to officers to approve the application as amended, subject to conditions.

Conditions

To include:

Time limit – 3 years

List of approved drawings

Materials

Landscaping (including boundary treatment)

Drainage

Highway conditions

Car Parking

Restriction of PD rights and further openings

Obscure glazing of first floor landing window of Plots 1 and 2

Affordable Housing

Contributions

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: S/1796/12/FL and S/0843/12/FL

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