

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee
AUTHOR/S: Planning and New Communities Director

8 May 2013

S/0382/13/FL – WATERBEACH
**Erection of Dwelling and Car Port following Demolition of Existing Barn at Land
Adjacent 31 Burgess Road for Mr and Mrs Garner**

Recommendation: Approval

Date for Determination: 3 May 2013

Notes:

This application has been reported to the Planning Committee for determination as the officer recommendation conflicts with the recommendation of Waterbeach Parish Council

To be presented to the Committee by Karen Pell-Coggins

Site and Proposal

1. The site is located within the Waterbeach village framework. It measures 0.07 of a hectare in area and is accessed off a single track driveway between Nos. 31 and 33 Burgess Road. The site currently comprises a one and a half storey barn to the western side and an area of open land to the eastern side. The barn was formerly used as storage for two lorries but is now vacant. It measures 13.1 metres in length, 6.9 metres in depth, and has a height of 2.4 metres to the eaves and 4.6 metres to the ridge. The materials of construction are concrete blockwork for the walls and corrugated fibre cement sheets for the roof. Green Belt land lies to the north and west. Nos. 31 and 33 Burgess Road are residential properties that are situated to the south. No. 31 is a grade II listed building. A residential care home lies to the east. The site lies within flood zone 1 (low risk).
2. This full planning application, received 8 March 2013, seeks the erection of one and a half storey dwelling sited on the majority of the footprint of the existing barn to be demolished. It would measure 13.1 metres in length, 6.9 metres in depth, and have a height of 2.5 metres to the eaves and 5.1 metres to the ridge. The building would have a simple pitched roof design. The materials of construction would be horizontal timber weatherboarding above a brick plinth for the walls and clay pan tiles for the roof. The accommodation would have two bedrooms. A small garden and patio area would be provided adjacent the dwelling. The car port would be sited on the open land to the east. It would measure 6.1 metres in length, 5.1 metres in depth and have a height of 2.2 metres to the eaves and 4.3 metres to the ridge. The building would have a pitched roof design with a lean-to store to the side. The materials of construction would be horizontal timber weatherboarding above a brick plinth for the walls and clay pan tiles for the roof. The carport would accommodate two parking spaces and a cycle and refuse store. Two parking spaces and a turning area would be provided on the driveway to the front of the car port. A small garden would be provided to the side and rear. The existing hedges along the northern and western boundaries adjacent the Green Belt would be removed and replaced with new post and rail fences. A new hedge would be planted to the western boundary. A new close boarded fence is proposed along the southern boundaries adjacent Nos. 31 and 33 Burgess Road. The western boundary would remain as existing. New hedges would be planted within the garden and adjacent to the driveway.

Planning History

3. Planning permission was granted for use of agricultural building as a garage for two lorries engaged in the delivery and transport of fruit and vegetables under reference **RC/0089/60**.
4. Planning permission was granted for the erection of an implement shed under reference **RC/0368/53**.

Planning Policy

5. ***Local Development Plan Policies***

South Cambridgeshire LDF Core Strategy DPD, 2007:
ST/5 Minor Rural Centres

South Cambridgeshire LDF Development Control Policies DPD, 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
GB/3 Mitigating the Impact of Development Adjoining the Green Belt
HG/1 Housing Density
CH/4 Development Within the Setting of a Listed Building
NE/1 Energy Efficiency
NE/6 Biodiversity
NE/11 Flood Risk
SF/10 Outdoor Playspace, Informal Open Space, and New Developments
SF/11 Open Space Standards
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

South Cambridgeshire LDF Supplementary Planning Documents (SPD):

Open Space in New Developments SPD - Adopted January 2009
Listed Buildings SPD - Adopted July 2009
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Biodiversity SPD - Adopted July 2009
District Design Guide SPD - Adopted March 2010

Consultation by South Cambridgeshire District Council as Local Planning Authority

6. **Waterbeach Parish Council** – “Recommends refusal on the grounds of: -
 - i) Overdevelopment;
 - ii) Insufficient drainage capacity (at the time of the meeting there was standing surface water on the site); and,
 - iii) Poor access.”
7. **Conservation Officer** – Comments that the dwelling and car port (as amended) would have a neutral impact upon the setting of the listed building. The site did not form part of the curtilage of the listed building at the time of listing and the proposal would not therefore result in subdivision of land. Whilst the dwelling would have a greater height than the existing building, it would have a simple traditional design and improved materials. The car port would be sited adjacent an existing group of outbuildings and not result in the loss of an important piece of open land. It would have a simple and traditional design and form that responds to existing buildings

within the area. Requests conditions in relation to samples of materials, details of openings in the south elevation, eaves and verge, and boundary treatments.

8. **Local Highways Authority** – Comments that the proposal would not have a significant adverse effect upon the public highway.
9. **Environmental Health Officer** – No reply (out of time).
10. **Contaminated Land Officer** – Comments that the site houses a former agricultural barn and suggests a condition in relation to the investigation into contaminated land.
11. **Trees and Landscapes Officer** – Has no objections as the trees are not afforded any statutory protection.
12. **Landscape Design Officer** – Comments that the siting of the buildings should be reconsidered as the footprint of the dwelling is very large with little surrounding garden space, the height is domineering, and the elevations indicate intrusive views into adjoining properties. Suggests that the dwelling and car port swap positions to allow a larger garden, more planting of trees and shrubs on the green Belt boundary, and restricted views of the adjoining properties, Recommends conditions in relation to hard and soft landscaping of the site, boundary treatments, and surface water drainage.
13. **Ecology Officer** – No reply (out of time).

Representations by Members of the Public

14. The occupiers of No. 33 Burgess Road object to the application on the following grounds: -
 - i) Narrow width of driveway;
 - ii) Highway and pedestrian safety when exiting the access on to Burgess Road,
 - iii) Noise and disturbance from the use of the driveway;
 - iv) Insufficient drainage system;
 - v) Flood risk;
 - vi) Building on Green Belt; and,
 - vii) Loss of privacy to garden.
15. The occupiers of No. 31 Burgess Road have the following concerns: -
 - i) Demolition of building containing asbestos and health and safety issues;
 - ii) Loss of privacy to garden;
 - iii) Construction of property;
 - iv) Insufficient drainage capacity;
 - v) Damage to the road and drains from construction vehicles;
 - vi) Noise from construction work;
 - vii) Highway and pedestrian safety when exiting the access on to Burgess Road,
 - viii) Blocking of driveway by construction vehicles and prospective purchasers; and,
 - ix) Need for development on such a small site due to Waterbeach Barracks site coming forward for housing.

Representations by Applicant's Agent

16. The applicant's agent has responded to the above consultation responses and representations as follows: -
 - i) The design approach to the application was retain the current disposition and scale of buildings on the site but in a manner that enhances the character of the area and the setting of the listed building through use of more appropriate materials;

- ii) There would be less overlooking from the new building than the existing building;
- iii) Boundary planting will be strengthened where possible;
- iv) A residential use is more sympathetic to the area in terms of traffic generation and noise and disturbance given the existing commercial use of the site;
- v) A surface water drainage strategy will be developed to address flood risk;
- vi) Construction traffic arrangements can be agreed; and,
- viii) The amount of built development on the site would be similar to the existing apart from the modest car port that has a limited impact.

Material Planning Considerations

17. The key issues to consider in the determination of this application are the principle of the development, density, developer contributions, and the impacts of the development upon the setting of adjacent listed building, the character and appearance of the area, trees and landscaping, highway safety, neighbour amenity, and flood risk.

Principle of Development

18. The site is located within the village framework of a 'Minor Rural Centre' where residential developments of up to 30 dwellings are considered acceptable in principle subject to all other planning considerations. The erection of one dwelling is therefore supported in policy terms.
19. The existing agricultural building is not considered of any significant historic or architectural merit and no objections are raised to its demolition.
20. The loss of the existing commercial use is not considered to result in a reduction in the number of employment sites available locally, given the existing authorised use as a garage for storage only.

Density

21. The site measures 0.07 of a hectare in area. The development of one dwelling would equate to a density of 14 dwellings per hectare. Whilst this would be below the density requirement of 40 dwellings per hectare that should be achieved in more sustainable villages such as Waterbeach, it is considered appropriate in this case given the sensitive nature of the site adjacent to a listed building and the Green Belt.

Setting of Adjacent Listed Building

22. The proposed dwelling (as amended) is not considered to damage the setting of the adjacent listed building. The existing building did not form part of the same site at the time of the listed building and it would not therefore result in the subdivision of land. Whilst it is acknowledged that the height of the dwelling would be an increase of 0.5 metres above that of the existing building, it would retain a low height of 5.1 metres at a lower ground level, have a simple form and design, and be constructed from traditional materials. The design and construction of the building is considered an enhancement to the existing building and would reflect that of a more traditional agricultural building. The form would make reference to orientation of surrounding buildings. The residential use of the building would be likely to have a more sympathetic relationship with the listed building than the existing lawful commercial use. The siting, scale, design and materials of the car port (as amended) are considered appropriate.

Character and Appearance of the Area

23. The proposed development is not considered to harm the character and appearance of the area. The siting of the dwelling in this backland position is not considered to be out of keeping with the pattern of development along Burgess Road given the presence of the existing building, varied character of the area that comprises buildings set back different distances from the road and some in-depth development, and limited views of the building from public viewpoints. Whilst it is acknowledged that the height of the dwelling would be an increase of 0.5 metres above that of the existing building, it would retain a low height of 5.1 metres at a lower ground level, have a simple form and design, and be constructed from traditional materials. The design and construction of the building is considered an enhancement to the existing building and reflect that of a more traditional agricultural building. The form would make reference to orientation of surrounding buildings. The development would not therefore adversely affect the visual amenity of the adjoining Green Belt or have an unacceptable impact upon the Burgess Road street scene. The siting, scale, design and materials of the car port (as amended) are considered appropriate.

Trees and Landscaping

24. The proposal would result in the loss of the poor quality hedges along part of the northern and western boundaries of the site. A new hedge would be planted along the western boundary to mitigate the impact of the building upon the adjacent Green Belt. However, the northern boundary would remain open from planting. The comments of the Landscape Design Officer are noted. However, given there is an existing building in the position of the new dwelling and the proposal has an improved design and appearance, the siting is considered appropriate. A landscaping condition would be attached to any consent to achieve an appropriate planting scheme.

Highway Safety

25. The proposal is not considered to result in a material increase in traffic generation to and from the site that would be detrimental to highway safety, given the existing lawful use of the site.
26. Two on-site parking spaces and a turning space would be provided for the new dwelling. The proposal would not therefore lead to on-street parking or manoeuvring that would cause a hazard and adversely affect the free flow of traffic along Burgess Road.

Neighbour Amenity

27. The dwelling is not considered to seriously harm the amenities of neighbours through being unduly overbearing in terms of its mass, through a loss of light, through a loss of privacy or through noise and disturbance through the use of the access.
28. Whilst it is acknowledged that the height of the dwelling would be an increase of 0.5 metres above that of the existing building, it would be situated a distance of 17 metres from the habitable room windows in the north elevation of No. 31 Burgess Road and 13 metres from the main sitting out area of that property, retain a low height of 5.1 metres at a lower ground level, and be orientated to the north. The windows in the south elevation would not result in a loss of privacy to the property or its garden, as a condition would be attached to any consent to ensure that they are fixed shut and glazed with obscure glass. The windows in the east and west elevation would not result in overlooking to the property, due to the very oblique angle of view. Although it is noted that there is a habitable room window close to the access, the development is not considered to result in an increase in the level of noise and disturbance through the use of the access, given the existing lawful use of the building. The relationship with this property is therefore considered acceptable.

29. Whilst it is acknowledged that the height of the dwelling would be an increase of 0.5 metres above that of the existing building, it would be situated a significant distance from the dwelling and garden of the property at No. 33 Burgess Road, retain a low height of 5.1 metres, and be orientated to the north west. The windows in the east elevation would not result in a loss of privacy to the property or its garden, as they would be situated a distance of 20 metres away from the windows in the rear elevation with an oblique angle of view and 30 metres from the garden behind the existing dwelling. Although it is noted that there is a habitable room window close to the access, the development is not considered to result in arise in the level of noise and disturbance through the use of the access, given the existing lawful use of the building. The relationship with this property is therefore considered acceptable.

Flood Risk

30. The site lies within flood zone 1 (low risk). The development is not considered to increase the risk of flooding to the site and surrounding area subject to a satisfactory method of surface water drainage. Given the existing issue with standing water on the site, this would be attached as a condition to any consent.

Developer Contributions

31. The South Cambridgeshire Recreation Study 2005 identified a shortfall of sport and play space within Waterbeach. No open space is shown within the development. The increase in demand for such space as a result of the development requires a financial contribution of approximately £2,244.90 (index linked) towards the provision and management of open space in the village to comply with Policy SF/10 of the LDF. A section 106 legal agreement has been completed that secures this contribution.
32. The South Cambridgeshire Community Facilities Assessment 2009 did not audit indoor community space in Waterbeach. However, due to the increase in the demand for the use of this space from the development, a financial contribution of £371.00 (index-linked) is sought towards the provision of new facilities or the improvement of existing facilities in order to comply with Policy DP/4 of the LDF. A section 106 legal agreement has been completed that secures this contribution.
33. 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 requested to provide for the household waste receptacles as part of a scheme. The fee for the provision of appropriate waste containers is £69.50 per dwelling. A section 106 legal agreement has been completed that secures this contribution.

Other Matters

34. The proposal is unlikely to result in the loss of any protected species. The ecological report submitted with the application states that the building is has no evidence of roosting bats and it is not considered suitable for roosting bats. The habitats on the site are of low ecological value and the most important would be retained within the development. However, a condition should be attached to any consent to agree a scheme of bird and bat boxes to enhance biodiversity.
35. The site is located in a sustainable location within the village framework that is the preference for development whether or not the barracks site comes forward for development.
36. The capacity of the sewers to serve the development is a building control matter.

37. The removal of the existing building in relation to the control of asbestos is an issue controlled under environmental regulations.
38. Obstruction to the private access driveway and damage to the private access driveway and drains is a civil matter between the parties involved.

Conclusion

39. 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 granted in this instance.

Recommendation

40. It is recommended that the Planning Committee approves the application (as amended) subject to the following conditions and informatives: -

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: To be confirmed.
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling and car port hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To protect the setting of the listed building in accordance with Policy CH/4 of the adopted Local Development Framework 2007 and to ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
4. No development shall take place until a panel of brickwork including coping details to be used in the construction of the southern boundary wall hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To protect the setting of the listed building in accordance with Policy CH/4 of the adopted Local Development Framework 2007 and to ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. No development shall take place until precise details (drawings at a scale of 1:20) of the openings in the south elevation of the dwelling and the eaves and verge of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To protect the setting of the listed building in accordance with Policy CH/4 of the adopted Local Development Framework 2007 and to ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)

6. No development shall take place until precise details (drawings at a scale of 1:20) of the eaves and verge of the car port hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. (Reason - To protect the setting of the listed building in accordance with Policy CH/4 of the adopted Local Development Framework 2007 and to ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied in accordance with the approved details and shall thereafter be retained. (Reason - (Reason - To protect the setting of the listed building in accordance with policy CH/4 of the adopted Local Development Framework 2007 and to ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 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. No development shall begin until a scheme for the provision of bird nest boxes and bat boxes has been submitted to and approved in writing by the Local Planning Authority; the dwellings shall not be occupied until the nest boxes have been provided in accordance with the approved scheme. (Reason - To achieve biodiversity enhancement on the site in accordance with adopted Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
11. The permanent space to be reserved on the site for the parking of two cars and turning shall be provided before the development hereby permitted is occupied and thereafter maintained. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework.)
12. 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 development within All Classes of Part 1 of Schedule 2 of the Order and Class A of Part 2 Schedule 2 of the Order of shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

(Reason – To safeguard the character of the area and to protect the amenities of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

13. The ground floor windows in the south elevation of the dwelling, hereby permitted shall be fixed shut and glazed with obscure glass.
(Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
14. No development shall commence until a scheme for the provision and implementation of surface water drainage has been 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.)
15. No development approved by this permission shall be commenced until:
 - i) 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.
 - ii) 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.
 - iii) 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.
 - iv) 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).
16. During the period of demolition and construction, no power operated machinery shall be operated on the site before 08.00 hours and after 18.00 hours on weekdays and before 08.00 hours and after 13.00 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.)

Informatives

1. The site is subject to an agreement under section 106 of the Town and Country Planning Act 1990 dated (to be confirmed).

2. This consent does not give permission for the existing 1.8 metre high timber fence along the western boundary of the access driveway.
3. The bird nest boxes should include a sparrow nest box.
4. During construction, there shall be no bonfires or burning of waste on site except with the prior permission of the District Environmental Health Officer in accordance with best practice and existing waste management legislation.
5. Before the existing property is demolished, a Demolition Notice will be required from the Building Control section of the Council establishing the way in which the property will be dismantled, including any asbestos present, the removal of waste, minimisation of dust, capping of drains and establishing hours of working operation.
6. Should pile driven foundations be proposed, then before works commence a statement of the method for construction of these foundations shall be submitted to the District Environmental Health Officer so that noise and vibration can be controlled.

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

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/0382/13/FL, RC/0089/60, and RC/0368/53.

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