

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 August 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/1422/14/VC
Parish:	Melbourn
Proposal:	Variation of condition 2 (approved drawings) and 15 (visibility splays) of planning approval S/2609/11 – demolition of existing dwelling and erection of 10 new units and associated access
Site address:	31 The Moor
Applicant(s):	Chelsteen Homes Ltd
Recommendation:	Delegated approval subject to the signing of a S106 agreement towards on-site affordable housing, and financial contributions towards education, indoor community facilities and outdoor space.
Key material considerations:	Design, affordable housing and housing mix, residential amenity, parking and access, trees, and contributions towards: education, open space and indoor community infrastructure
Committee Site Visit:	None
Departure Application:	No
Presenting Officer:	Andrew Winter
Application brought to Committee because:	The recommendation of the Parish Council conflicts with that of Planning Officers
Date by which decision due:	12 September 2014

Planning History

1. A detached dwelling was proposed on the site under planning reference **S/1798/10** and approved. As a result of this another application was submitted for a revised access to the original property (**S/1823/10**), allowing separation of the two plots.
2. A later application under reference **S/1091/11** came in for the erection of 9 dwellings. This application was later withdrawn, namely due to problems relating to

affordable housing, housing mix proposals, lack of planning obligations and design problems.

3. Planning application **S/2609/11** was approved for the erection of 10 new units and associated access, subject to conditions and the completion of a s016 agreement.

Planning Policies

4. **National Planning Policy Framework 2012**

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

5. **Local Development Framework**

DP/1 - Sustainable Development
DP/2 - Design of New Development
DP/3 - Development Criteria
DP/4 - Infrastructure and New Developments
DP/5 - Cumulative Development
DP/7 - Development Frameworks
HG/1 - Housing Density
HG/2 - Housing Mix
HG/3 - Affordable Housing
NE/1 - Energy Efficiency
NE/2 - Renewable Energy
NE/6 - Biodiversity
NE/12 - Water Conservation
NE/15 - Noise Pollution
SF/6 - Public Art and New Development
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

6. **Supplementary Planning Documents**

District Design Guide SPD – adopted March 2010
Landscape in New Developments SPD – adopted March 2010
Trees and Development Sites SPD – adopted January 2009
Open Space in New Developments SPD – adopted January 2009
Affordable Housing SPD – adopted March 2010

7. **Draft Local Plan**

CC/4 Sustainable Design and Construction
H/7 Housing Density
H/8 Housing Mix
H/0 Affordable Housing
H/11 Residential Space Standards
HQ/1 Design Principles
HQ/2 Public Art and New Development
S/3 Presumption in Favour of Sustainable Development
S/7 Development Frameworks
S/9 Minor Rural Centres

SC/7 Outdoor Playspace, Informal Open Space, and New Developments
SC/8 Open Space Standards
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision

Consultations

8. **Parish Council** – recommends refusal “The committee does not accept the amendments to the original application are minor in respect of the moving of units 1-4 three metres to the south & the failure to include on the plans the conservatories of the original buildings in Thatcher Stanfords Close and the boundary of the proposed development.”
9. **Local Highway Authority**– The visibility splays as shown on drawing number 2989:01 Rev A are acceptable to the Local Highway Authority although we would request that the visibility splays be dimensioned for clarification purposes.
10. **Tree Officer**– No objections
11. **Affordable Housing** – No objections
12. **Cambridge County Education** – Comments not received

Representations

13. **Owner/Occupier of 6 Thatcher Stanfords Close** – Concern of overbearing nature of the proposed dwelling on Plot 8. The height of the proposed building and its close proximity to the shared boundary means that it will remove the skyline and will be overbearing to both the house and garden. The site layout fails to show the conservatories on the houses in Thatcher Stanfords Close and so is inaccurate.
14. **Owner/Occupier of 2 Thatcher Stanfords Close** – The site layout fails to show the conservatories on the houses in Thatcher Stanfords Close and so is inaccurate. Would like assurances that future enlargement or extension of Plot 9 will be prohibited in order to protect residential amenity. Also dimensions should be shown on the drawings to clarify the distance between the two storey side wall of Plot 9 and the north shared boundary of the site.

Planning Comments

15. The main issues to consider in this instance are: the design, affordable housing and housing mix, residential amenity, parking and access, trees, and contributions towards: education, open space and indoor community infrastructure.

Principle

16. This proposed development would have been acceptable having regard to adopted LDF and emerging Local Plan policies, had policies ST/7 and DP/5 not become out of date as a consequence of the Council not currently being able to demonstrate a five-year supply of deliverable housing sites. In any event, the principle of the development has already been accepted in planning approval S/2609/11 and that planning permission is still capable of being implemented..

Design

17. Several minor alterations are made to the door, windows and chimneys of the plots and these are detailed within the submitted 'Planning Statement' and 'Schedule of Amendments'. Of note are the revised first floor rear windows to units 1-4 that reduce the extent of overlooking towards the rear garden of unit 6. The side garage to plot 9 is also reduced in height and scale to mitigate the impact of the scheme upon neighbouring amenity.
18. The layout of the scheme remains largely unchanged except for the widened private driveway halfway along its length to allow two visitor parking spaces to be incorporated in the site. Provision for soft landscaping would remain along the street edges to enhance the appearance of the scheme.
19. The access to the car park serving units 1-4 is moved slightly further to the south but would retain visibility splays of 2.4m x 43m in the interests of highway safety. The main change however is the relocation of the flat block (units 1-4) approximately 3m closer to the southern boundary of the site with an open gap of 2.1m retained. The parking area to this block would also be moved further south near to a mature sycamore tree, which has a tree preservation order. Accordingly, an arboricultural impact assessment has been submitted to demonstrate whether this change would cause any adverse harm to the tree, and the findings of this report are explained later on in this report.
20. The repositioning of units 1-4 and the shared parking area does facilitate a reconfiguration and enlargement of the dwelling at unit 5, providing a noticeably wider span to this building and garden area, whilst maintaining a setback of over 8m from The Moor (similar to the extant scheme). The revised design of unit 5 is considered to relate well to the scheme and provide a better proportioned dwelling that appears less constrained within its plot. For this reason, no objection is raised to the altered design of unit 5.
21. Consequently, despite the concerns of the Parish Council, the changes to the approved development are perceived to be minor in nature as viewed within the overall context of the scheme. Although there is no statutory definition of a 'minor material amendment' to a planning permission, online national planning policy guidance (Paragraph: 017 Reference ID: 17a-017-20140306) states that "it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved." The proposal is considered to constitute such a change in this instance to allow a variation of the approved drawings under condition 2 of the planning approval.

22. Affordable Housing and Housing Mix

There would be no change in this revised scheme to the on-site provision of four affordable units of accommodation to meet the requirements of Policy HG/3. Housing mix would remain largely the same except for the enlargement of unit 5 increasing from a 2-bed to a 3-bed dwelling. The scheme would still maintain a good overall mix of housing comprising:

- 3 x 1-bed dwellings
- 2 x 2-bed dwellings
- 3 x 3-bed dwellings
- 3 x 4-bed dwellings

Residential Amenity

23. The submitted revised drawings do not show the location of the neighbouring conservatories along Thatcher Stanfords Close, as highlighted by the Parish Council and neighbours. However, these are clearly shown on the previous approved drawings of planning application S/2609/11 for reference purposes.
24. In any case, the aforementioned reduction in the garage at unit 9 would reduce the impact upon no.2 Thatcher Stanfords Close. The distance of the two storey side wall of this property to the shared boundary with No.2 would be 8.2m, which is 0.2m closer than previously approved. This is considered to be marginal and without any significant harm to the neighbour compared to the approved scheme. Permitted development rights for any extension or enlargement to this property were previously withdrawn to protect residential amenity and the same condition is recommended again to address the concerns of the neighbour.
25. Unit 10 remains unchanged in terms of its design, although its siting in relation to the rear boundary with No.1 Thatcher Stanfords Close is slightly closer by 0.2-0.5m as measured from the rear wall of the new dwelling. Taking into account the low height of this dwelling, and the marginal difference with the previous approved scheme, this aspect of the scheme is not considered to cause undue harm to neighbouring amenity.
26. Plot 8 maintains a similar relationship with the neighbour at no.6 Thatcher Stanfords Close, although marginally taller with a 300mm increase in ridge height. Consequently, overall, the development is considered to have an acceptable impact upon residential amenity in accordance with Policy DP/3.

Parking and Access

27. Overall parking on the site would remain largely unchanged from the previous application except for an increase of two visitor spaces sited halfway along the length of the private driveway.
28. No objections are raised in relation to the relocated access to the car park to units 1-4 which would retain suitable visibility splays to meet highway safety standards.

Trees

29. The impact of the revised car parking area for units 1-4 upon the protected sycamore tree is not considered to be harmful as concluded in the submitted Arboricultural Impact Assessment (AIA). The AIA recommends that the use of modern methods of construction including limited dig methods to create parking within the root protected area of this tree would protect its root system. The report further advises that the works should be subject to an Arboricultural Method Statement to be agreed by the local planning authority and this can be conditioned.

Education, Open Space and Indoor Community Infrastructure

30. The new development would put extra demand on education facilities, indoor community infrastructure and community open space in Melbourn. The applicant has confirmed their contribution towards these elements in a submitted heads of terms document and a S106 agreement is being drafted to secure contributions towards these elements as well as securing the on-site affordable housing.

31. **Conclusion**

Any adverse impacts of the development are not considered to significantly and demonstrably outweigh the benefits when assessed against the material considerations set out in this report, and the proposed development remains acceptable.

Recommendation

32. Approval, subject to the signing of a S106 agreement securing on-site affordable housing, and financial contributions towards education, indoor community facilities and outdoor space. Subject also to the following 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: 2989:01 Rev A, 2989:02 Rev A, 2989:03 Rev A, 2989:04, 2989:05, 2989:06, 2989:07, 2989:11 and 2989:12 Rev A. (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 details of the materials to be used in the construction of the external surfaces of the buildings 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 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 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 the proposed treatment of all boundaries and 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 and to protect the amenity of existing and future residents in accordance with Policies DP/2, DP/3 and NE/6 of the adopted Local Development Framework 2007.)
 5. 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.)

6. No development shall commence until an Arboricultural Method Statement detailing the final design for tree works and tree protection has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
(Reason - To protect trees which are to be retained in order to enhance the development, biodiversity and the visual amenities of the area in accordance with Policies DP/1 and NE/6 of the adopted Local Development Framework 2007.)
7. 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.)
8. Prior to the commencement of any development, a scheme for the provision and implementation of foul 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 reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
9. Prior to the commencement of any development, other than works in respect of the demolition of existing buildings, details of a strategy for water conservation measures to be incorporated within the development have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.
(Reason - To ensure compliance with the aims of Policy NE/12 of the adopted Local Development Framework 2007.)
10. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
(Reason - To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)
11. Prior to the commencement of any development, other than works in respect of the demolition of existing buildings, details of a scheme for the use of renewable energy technology to provide at least 10% of the predicted energy requirements as required by Policy NE/3 of the Local Development Framework 2007, shall have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.
(Reason - To ensure an energy efficient and sustainable development in accordance with the aims of Policy NE/1 and NE/3 of the adopted Local Development Framework 2007.)
12. 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 - The land adjoins a former industrial site and 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.)

13. The visibility splays shown on drawing 2989:01 Rev A shall be provided on both sides of the new access road and shall be maintained free from any obstruction over a height of 600mm above the level of the highway boundary. (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

14. Apart from any top hung vent, the following first floor windows shall be fitted and permanently glazed with obscure glass and non-opening:

- a) Plot 8 – West-facing bathroom window
- b) Plot 9 – West-facing & north-facing bathroom windows

(Reason - To prevent overlooking of the adjoining properties in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

15. 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 Classes A, B, C and E of Part 1 of Schedule 2 of the Order shall take place in respect of the Plots 8, 9 and 10 unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason - In the interests of residential amenity in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

16. The proposed parking and turning areas shall be provided before the dwellings hereby permitted are occupied and thereafter retained as such.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

17. The garages, hereby permitted, shall not be used as additional living accommodation and no trade or business shall be carried on therefrom.
(Reason - To ensure the continued provision of off-street parking space in the interests of highway safety and to safeguard the amenities of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
18. No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority: i) A method statement relating to the process of demolition with regard to effects on the public highway ii) Contractors' access arrangements for vehicles, plant and personnel; iii) Contractors' site storage area(s) and compounds(s); iv) Parking for contractors' vehicles and contractors' personnel vehicles; and v) Control of debris, mud and dust during both demolition and construction. Development shall not be carried out other than in accordance with the approved details.
(Reason - In the interests of residential amenity and highway safety in accordance with Policies DP/3 and DP/6 of the adopted Local Development Framework 2007.)
19. During the period of demolition and construction no power operated machinery shall be operated on the premises before 8 a.m. on weekdays and 8 a.m. on Saturdays nor after 6 p.m. on weekdays and 1 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.
(Reason - To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- Planning File Ref S/2609/11

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