

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 1st June 2005
AUTHOR/S: Director of Development Services

S/0141/05/F - Linton
Erection of 20 Affordable Dwellings at Phase 2, Chalklands for Hundred Houses Society

Recommendation: Delegated Approval
Determination Date: 27th April 2005 - (Major Application)

Members of Committee will visit the site on Tuesday 31st May 2005

Site and Proposal

1. The application site is a 0.72 hectare (1.78 acre) piece of agricultural land lying outside the Linton village framework and within the countryside. Directly to the south is housing within Chalklands whilst to the west is a scheme of affordable dwellings known as Payne's Meadow. A public footpath and bridleway lies to the east of the site beyond a substantial hedge.
2. The full application, submitted on 26th January 2005 and amended on 28th April 2005, seeks to erect 20 affordable dwellings on the site. The proposed mix of dwellings is as follows:
 - 6 x 1-bedroom flats;
 - 6 x 2-bedroom flats;
 - 4 x 2-bedroom houses;
 - 3 x 3-bedroom houses;
 - 1 x disabled person's bungalow.
3. Vehicular access to the site would be via the existing affordable housing scheme to the west.
4. The scheme proposes a substantial amount of public open space (approx 0.13 ha) along the eastern side of the site and it is proposed to create a footpath link from the southern end of the proposed recreation ground onto Chalklands to enable existing residents to enjoy this area.
5. Save for the bungalow, the properties would be two storeys high. The houses and bungalow would comprise red brick walls and tiled roofs whilst the flats would be constructed using buff bricks and red tiles.
6. A covering letter submitted by Hundred Houses Society explains that the scheme provides 10 homes for social renting, 9 homes for shared ownership purchase and 1 bungalow designed for a disabled user, which will be transferred to the ownership of Papworth Trust.

Planning History

7. There is no planning history relating to the application site itself. The scheme of 19 affordable dwellings to the west was approved in March 2000 (Ref: S/0339/99/F).

Planning Policy

8. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan states that development in the countryside will be resisted unless the proposals can be demonstrated to be essential in a particular rural location.
9. **Policy P1/3** of the Structure Plan states that a high standard of design and sustainability will be required for all new development which minimises the need to travel and reduces car dependency. In addition development is expected to provide a sense of place which responds to the local character of the built environment.
10. **Policies P5/4 and P5/5** encourage housing which meets, amongst others, affordable housing.
11. **Policy HG8** of the 2004 Local Plan states that, as an exception to the normal operation of the policies of the Plan, planning permission may be granted for schemes of 100% affordable housing designed to meet identified local housing needs on sites within or adjoining villages providing the following criteria are all met:
 - The proposal includes secure arrangements for ensuring that all the dwellings within the scheme provide affordable housing in perpetuity for those in 'housing need' as defined in Policy HG7;
 - The number, size, design, mix and tenure of the dwellings are all confined to, and appropriate to, the strict extent of the identified local need;
 - The site of the proposal is well related to the built-up area of the settlement and the scale of the scheme is appropriate to the size and character of the village;
 - The development does not damage the character of the village or the rural landscape.

Consultations

12. **Linton Parish Council** recommends approval of the application but makes the following comments:

“Councillors are in support of this application overall and are pleased to see more affordable housing being built in the village, with a mix of properties that reflects the current housing needs of the village. Councillors had one concern, however, with regard the proposed 'new' entrance through the protected hedgerow forming the boundary with Rivey Lane. Councillors would wish to see this omitted from the plan. Councillors also considered that this new 'gap' would be of concern to parents in an area designed for children to play safely. Councillors would wish a condition on any permission with regard to protecting the hedgerow on the eastern boundary.”
13. The comments of the Parish Council in respect of the amended plans will be reported verbally at the Committee meeting.
14. **The Environment Agency** advises that any consent should be conditional upon the provision of foul and surface water drainage details.
15. **The Landscape Design Officer** does not wish to see the original opening in the hedge along Rivey Lane gapped up as it is likely another point would be pushed

through. It is explained that new hedge/tree planting is required along the northern boundary to assist in the assimilation of development in the landscape. The protective fencing shown should be post and wire or chain link and not solid. The details of any hedge definition along the rear/southern boundary of the site would need to be agreed on site prior to work being implemented. Details of any new fencing envisaged along this boundary would also be required. It is queried what would be written into the legal agreement with the tenant to ensure this protection. Full landscaping details including tree pit details should be conditioned as part of any planning consent.

16. **The Local Highways Authority** stated that the layout plan should be comprehensively dimensioned to give carriageway, footway and footpath widths together with junction and turning head radii. In addition, all junction visibility splays and pedestrian visibility splays should be given. Parking spaces adjacent the carriageway, without footway in front, should be a minimum of 6 metres in length. The turning head adjacent Block A should comprise radii of 6 metres and retain a carriageway width of 5 metres on each spur whilst parking off the turning head should be avoided. The comments of the LHA in respect of the revised plan will be reported verbally at the Committee meeting.
17. **The Police Architectural Liaison Officer** states that the development includes a high proportion of properties with exposed elevations or exposed side or rear garden fences. Only Blocks F and G avoid such difficulties. Play areas should benefit from natural surveillance with properties fronting onto them. Block D provides such surveillance but Block C presents a rear elevation and Block E a side elevation over the adjacent grassed recreational area. Permeability makes crime easier to commit by giving offenders escape routes – the ability to walk all round Block C and the footpath to the side of Block E are cases in point. Car parking spaces should be located where they can easily be supervised. The parking court between Blocks A and D has little effective natural surveillance from Block D. Any planting associated with parking courts should be a maximum of 0.9 metres high and a thorny species.
18. The parking courts and other public areas should be lit by column mounted white downlighters. There are several dwellings that could benefit from areas of clearly identifiable defensible space to provide protection against damage or dispute arising over conflicting uses of public space. (eg – ground floor flats of Blocks A and B). Rear garden fences should be at least 1.8 metres high where they adjoin paths or other public places. The 0.9 metre high rear fences for Blocks A, B, C and D are inadequate. The gated access to the rear garden of the middle dwelling of Block D should be level with the side fence of the end dwelling. Dwelling frontages should be open to view and door recesses more than 600mm avoided. In addition, there should be some means of preventing unauthorised vehicular access to the areas of open space and this may be an attractive area to dump abandoned vehicles. Concern is also expressed about the security of bicycles stored outside Blocks A, B and C and the need for secure forms of bin storage.
19. **The Chief Environmental Health Officer** expresses concern on the grounds that problems could arise from noise and suggests that a condition be applied to any planning consent to restrict the hours of use of power operated machinery during the construction period.
20. **The Ramblers Association** raises no objections subject to Rivey Lane not being used for the storage of materials. The provision of official routes through from the development onto Rivey Lane is welcomed.

21. **The Council's Ecology Officer** raises no objections, stating that no ground nesting birds are likely to occur due to the current level of disturbance and the relatively enclosed site. A scheme of nest boxes and bat boxes on larger trees within the hedgerow would be desirable as would the inclusion of native ground flora amongst the hedge and grass fringes to the site.
22. **The Cambridgeshire Fire and Rescue Service** requests that adequate provision be made for fire hydrants.
23. **The County Footpaths Officer** requests that an access to Rivey Lane be provided at both the northern and southern end of the recreation area, and that the northern access by the fenced play area be made up with a semi-hard surface. A tarmacked 2 metre wide path should be provided from the southern end of the recreation area running south along Rivey Lane to join up with the section that is already tarmacked. It is requested that Rivey Lane remain open and unobstructed at all times and informatives reminding the applicants of legislation affecting the right of way should be attached to any planning consent.
24. **The Environment Operations Manager** states that each leg of the turning head needs to be 11 metres long. Also, refuse storage details should be provided for the properties at Blocks D, E, F and G. In the amended plans, the revisions to the hammerhead by Block A are not sufficient to meet the needs of the collection vehicle. This could be accommodated by extending northwards the adoptable section of road into the parking area.
25. **The Council's Arts Development Officer** states that, in respect of the public art policy, a number of possibilities present themselves namely:
 - The commissioning of an artist to design and oversee the installation of the play area;
 - A trail or landmark (could be inlaid into pavia or roads and related to street furniture) scheme connecting 'old' Chalklands to Payne's Meadow;
 - A celebratory series of events, again co-ordinated by an artist in residence, that relates the new development with the original housing scheme of 1955.
26. **Affordable Housing Panel** supported the application subject to the comment at paragraph 36 below.

Representations

27. No. 65 Back Road objects as Rivey Hill is an area of best landscape and the houses will be built near Rivey Wood which has a brook running through it which, if disturbed, could result in flooding. There are many animals and birds that need the wood. If building starts in the next few months it could disturb breeding birds.
28. No. 99 Chalklands states that, if it is intended to replace the fence along the boundary of the site, this will cause considerable damage to the retaining wall when trying to put new posts into the ground. Any new boundary fence should be on their side of the hedgerow as has been erected on phase 1. No. 99 wishes to have the same privacy and buffer of the hedge and tree line between their property and the new houses.
29. If the hedge/trees are included in the garden, they could be cut down by residents. The plans do not make it clear what is intended here.

Representation by the applicant's agent

30. The applicant's agent has responded in writing to comments raised by the Landscape Design Officer and No. 99 Chalklands. Firstly, it is confirmed that with regard to new hedge planting, it is the Society's policy to erect a protective fence for ten years and thereafter the tenant/shared owner will be responsible for its upkeep. The hedge to the rear of Blocks E, F and G will be maintained by the tenants/shared occupiers of these properties and it should not be assumed that this will result in the loss/decimation of the hedge. If further definition/repair of the boundary is required then it will be carried out, as best as possible, without decimating the hedge to the existing line of the boundary. No.99 Chalklands' retaining wall will not be damaged.

Planning Comments – Key Issues

31. The key issues to consider in the determination of this application are:
- The need for the development;
 - The impact of the development upon the character of the area;
 - The layout of the scheme including highways, landscaping and security issues;
 - Residential amenity;
 - Impact upon the adjacent footpath/bridleway;

The need for the development

32. The site lies outside but adjoining the Linton village framework and within the countryside. The erection of housing on such sites contravenes general planning policies relating to development in the countryside. However, this proposal has been put forward in response to a defined local need for low-cost housing (as confirmed by this Authority's Development Manager) and therefore needs to be considered in terms of the rural exceptions policy for housing. (HG8 of the Local Plan).
33. All 20 houses on the site would be affordable dwellings and this would be secured by a Section 106 Legal Agreement. This Council's Development Manager has confirmed that the number, size, design, mix and tenure of the properties proposed is appropriate to the extent of the identified local need.

Impact upon the character of the area

34. Policy HG8 of the Local Plan requires affordable housing schemes to be well related to, rather than isolated from, the built up part of the village to which they relate. The proposed site lies directly to the north of the existing Chalklands estate and directly to the east of an existing scheme of affordable housing (Paynes Meadow). It does not extend any further northwards than the Paynes Meadow development and is well screened by a high hedge along the eastern boundary with Rivey Lane. Subject to satisfactory landscaping and detailing of the development as well as to the protection/retention of the hedge along Rivey Lane (as requested by the Parish Council), I am satisfied that the erection of housing on this site would not result in undue harm to the character of the area.
35. The site is also well related to the services and facilities within the centre of Linton, with the shops and services in the High Street, the post office on Balsham Road and the health centre in Coles Lane all being within walking distance of the development.

General layout issues

36. The scheme incorporates a good mix of 1, 2 and 3 bedroom properties which, as stated above, has been drawn up following extensive discussions with this Authority's Development Manager, in response to local need. The relationship between the dwellings in terms of window-window distances and privacy of amenity areas is acceptable. The density of the scheme equates to 27 dwellings/hectare. Whilst a minimum density of 30 dwellings/hectare would normally be required by policy on sites located within the village framework, this site is being considered as an exception to normal policy and therefore is not required to meet this standard. Nevertheless, the scheme manages to achieve a reasonable density of development that is in keeping with the character of the surrounding area and which also manages to provide a large amount of open/recreational land for the enjoyment of residents of the proposed development as well as existing residents within Chalklands and Paynes Meadow.
37. The proposal involves the provision of a link through from Chalklands to the recreation area by opening a gap in the hedge along the southern part of the site. In my view, this link is essential given the intended end users of the recreation space. This Council's Landscape Design Officer has not raised any objections to the formation of this new opening but considers that the existing opening onto Rivey Lane in the south-eastern corner of the site should be utilised instead. This issue was discussed at the Affordable Housing Panel meeting where the Parish Council and District Councillors for Linton stated that they wished to see this existing gap filled in. Apparently, it is not a historic gap, having been created since the completion of the Payne's Meadow development and the Parish Council is keen for the hedge to be restored to its previous line. In addition, the Parish has strong concerns about the security implications of a direct opening from a secluded footpath onto the recreation ground.
38. The Local Highways Authority raised a number of concerns in respect of the carriageway width, junction radii and parking space lengths shown on the original plans. The applicant's agents have sought to address these issues within the amended plans and I am still awaiting the response of the Local Highways Authority in respect of these changes.
39. The Environment Operations Manager, who has considered the application in terms of the space required by refuse collection vehicles, has commented, in respect of the amended plans, that the adoptable section of road needs to be extended northwards into the parking area in order to achieve the required 11 metre deep hammerhead. It has since been clarified that the 11 metres required does not have to be provided on adopted roads but that the construction does have to be to adoptable standard. This concern could be overcome by a condition requiring details of the method of construction of this area. The requested refuse storage details can also be conditioned as part of any planning consent.
40. The Police Architectural Liaison Officer has raised numerous concerns about the security implications of the layout and design of the development. The scheme has been amended to overcome some concerns expressed in respect of the original submission through the introduction of first floor windows overlooking parking areas in order to provide natural surveillance of these areas. Many of the other changes requested I consider to be inappropriate for a variety of reasons. Firstly, the introduction of 2 metre high fencing to define the garden area of

Block C would be clearly visible and prominent across the open space and would be detrimental to the visual amenity of the area.

41. Reorienting this block so that it faces the open space would result in it backing directly onto the road which would have a similarly detrimental impact upon the appearance of the development. In addition, the pathway to the rear of Block D is needed in order to provide access to the rear of the property for refuse collection purposes. The request for some means of preventing vehicular access onto the open space could easily be incorporated into the design of the scheme through, for instance, the introduction of a few bollards on the grassed area adjacent to the easternmost hammerhead. The applicant's agent has confirmed verbally that the developers would be willing to do this and I would therefore recommend that a condition requiring the submission and agreement of a scheme be attached to any planning consent.
42. The Council's Ecologist has not raised any specific objections or concerns in respect of the letter received from No.65 Back Road relating to the impact of the development upon areas considered to be of local wildlife importance. Comments relating to installing bat and bird boxes on trees in the existing hedgerow and to the use of native ground flora can be forwarded on to the applicants through informatives of any planning consent.
43. The comments of the Arts Development Officer can be added as informatives to any planning consent.

Residential Amenity

44. The proposed layout would not result in serious harm to the amenities of adjoining residents within Paynes Meadow and Chalklands by reason of overlooking, overshadowing etc. A condition should be attached to any consent preventing the insertion of first floor windows in the west elevation of Blocks A and B in order to protect the amenities of adjoining residents to the west.
45. Through landscaping/boundary treatment conditions, the retention of existing hedges/trees can be secured in order to ensure that the outlook and privacies of nearby residents are not unduly harmed by the development. The concerns raised by No.99 Chalklands have been relayed to the applicant's agent who has confirmed in writing that No.99's retaining wall would not be damaged.
46. In addition, a condition should be added to any consent to protect nearby residents from noise disturbance during the construction period as recommended by the Environmental Health Officer.
47. Any permission should be subject to a legal agreement specifying arrangements and responsibilities for the ongoing maintenance of the open space, recreation areas and hedge bounding Rivey Lane. The Parish Council has indicated that it would be willing to maintain the open spaces but, as far as I am aware, there has not been any discussion to date regarding whether a commuted sum would be payable in this instance and, if so, the amount/duration of any monies payable. I have encouraged the applicants to discuss this matter further with the Parish Council and will update Members verbally at the Committee meeting.

Footpath Issues

48. The County Footpaths Officer and Ramblers Association have expressed a strong preference for a link directly from the site through the hedge onto Rivey Lane and, indeed, were strongly supportive of the original proposal which sought to create a new link towards the northern end of the site. As stated, above, however, such a link is not supported by the Parish Council and District Councillors. There is an existing narrow pathway that connects the cul-de-sac between Nos. 90 & 99 Chalklands to Rivey Lane. Given that it is proposed to create a link from the development onto this cul-de-sac, there would therefore be an easily accessible route to the public footpath/bridleway.
49. The County Footpaths Officer's request for the footpath to be tarmacked from the southern edge of the site to meet up with the existing section of tarmac has been forwarded onto the applicant's agent. Although this is not a planning issue, the agent has stressed that there are a number of issues affecting this site that are contributing towards greater than average development costs. Firstly, topsoil needs to be imported to the site in connection with the large amount of open space proposed. In addition, there are severe drainage problems on the site resulting in the need for expensive rainwater collection systems. As such, the requested footpath improvements could only be carried out if there is sufficient money left in the budget. Given that the development, in terms of the housing and open space provided, is designed to benefit the village, I would not wish to impose such a requirement by condition given that it could potentially prevent the site coming forward. I would therefore suggest that an informative to cover this issue be added to any consent.

Recommendation

50. Subject to no objections being raised by the Parish Council and Local Highways Authority in respect of the amended plans and to the prior signing of a Section 106 Legal Agreement to (a) ensure that the housing is only occupied by qualifying persons and secured in perpetuity for that purpose, and (b) secure arrangements for the ongoing maintenance of the open spaces, approve the application, as amended by drawings date stamped 28th April 2005, subject to the following conditions:
1. Standard Condition A – Time Limited Permission (Reason A);
 2. Sc5a – Details of materials to be used for external walls and roofs (Rc5a);
 3. Sc51 – Landscaping, including tree pit details, (Rc51);
 4. Sc52 – Implementation of Landscaping (Rc52);
 5. Sc60 – Details of treatment to all site boundaries (Rc60);
 6. The existing hedge/trees on the eastern boundary of the site shall be retained unless otherwise agreed in writing with the Local Planning Authority; and any trees or shrubs within it which, within a period of five years from the completion of the development or the occupation of the buildings, whichever is the sooner, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. (Rc58);

7. Sc22 – No windows at first floor level in the west elevation of Blocks A and B (Rc22);
8. Prior to the commencement of development a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service shall be submitted to and approved in writing by the Local Planning Authority; no development shall take place otherwise than in accordance with the approved scheme (Reason – To secure the provision of fire hydrants for the benefit of future occupiers of the development hereby permitted);
9. During the period of construction no power operated machinery shall be operated on the premises before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions (Rc26);
10. Sc5b - Details of surface water drainage (Rc5b);
11. Sc5c – Details of foul water drainage (Rc5c);
12. Sc5 – Details of the method of construction for the parking area at the northernmost end of the site between Blocks A and D (Reason – To ensure that this parking area is built to an adoptable standard to enable refuse collection vehicles to turn);
13. Sc5 – Details of the bicycle and refuse storage areas (Reason – To ensure that the design of the bicycle and necessary refuse storage areas would not detract from the character of the development and to ensure that the storage areas are sufficiently secure to avoid the potential for rubbish fires and lower level forms of nuisance);
14. A means of preventing unauthorised vehicular access to the areas of open space shall be provided on the grassed area at the end of the easternmost spur road in accordance with a scheme that shall previously have been submitted to and agreed in writing with the Local Planning Authority (Reason –In the interests of the security of residents of the development and users of the open space and in the interests of the visual appearance of the area).

Informatives

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:** P1/3 (Sustainable design in built development);P5/4 (Meeting Locally Identified Housing Needs) and P5/5 (Homes in Rural Areas).
 - **South Cambridgeshire Local Plan 2004:** HG8 (Exceptions policy for affordable housing)

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Residential amenity;
 - Highway safety;
 - Visual impact on the locality;
 - Impact on footpath;
 - Flood risk;
 - Security/crime prevention

General

1. Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.
2. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.
3. The adjacent footpath/bridleway must remain open and unobstructed at all times. Building materials must not be stored on this section of the bridleway and, contractors vehicles must not be parked on it and it must not be used for access to the site (it is an offence under Section 137 of the Highways Act 1980 to obstruct a public bridleway and an offence under Section 34 of the Road Traffic Act 1988 to drive on a public bridleway without lawful authority)
4. No alteration to the surface of the footpath is permitted without the consent of Cambridgeshire County Council (it is an offence to damage the surface of a public right of way under Section 1 of the Criminal Damage Act 1971)
5. The applicant is advised to liaise with Cambridgeshire County Council regarding the possibility of tarmacking Rivey Lane from the southern edge of the site to join up with the existing tarmacked section of the bridleway further south.
6. The County Council as Highways Authority is only responsible for the maintenance of the surface up to bridleway standard, for the purposes of legitimate use by members of the public in relation to that status; damage to the surface caused by non-public bridleway use is repairable by those private users.
7. The Council's Ecology Officer has advised that a scheme of nest boxes and bat boxes on larger trees within the hedgerow would be desirable as would the inclusion of native ground flora amongst the hedge and grass fringes to the site.
8. If soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156) and to the satisfaction of the Local Authority. The maximum acceptable depth for

soakaways is 2 metres below existing ground level. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.

9. Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies.
10. The applicant should ensure that there is sufficient residual capacity within any recipient surface water system/watercourse to accept a discharge from the development without either causing or exacerbating flooding.
11. A copy of the Environment Agency's general surface water drainage information is attached.
12. The Council's Arts Development Officer has advised that the following would be desirable:
 - a. The commissioning of an artist to design and oversee the installation of the play area;
 - b. A trail or landmark (could be inlaid into pavia or roads and related to street furniture) scheme connecting 'old' Chalklands to Payne's Meadow;
 - c. A celebratory series of events, again co-ordinated by an artist in residence, that relates the new development with the original housing scheme of 1955.
13. With regards to Condition 15 of the permission, a few low bollards should prove sufficient to meet the aims of this condition.
14. With respect to the landscaping conditions, the Council's Landscape Design Officer has advised that protective fencing should be post and wire or chain link and not a solid fence. With regards to the hedge to the rear of Blocks E, F and G, the detail of any 'definition' will need to be agreed on site prior to work being implemented. If fencing is envisaged, what type of fencing is it and along which line would it be sited?

Background Papers: the following background papers were used in the preparation of this report: Cambridgeshire and Peterborough Structure Plan 2003; South Cambridgeshire Local Plan 2004; Planning application ref: S/0141/05/F and S/0339/99/F.

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