

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

9th January 2008

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/0276/07/F – Waterbeach
8 Dwellings
Land R/O 12 Pieces Lane for Hayler Developments Ltd**

**Recommendation: Approval
Date for determination: 13th April 2007**

Notes:

This Application has been reported to the Planning Committee for determination because of the time it has taken to negotiate on the application it is now a departure to the recently adopted Development Plan.

Departure Application

Site and Proposal

1. The site covers 0.26 ha of rectangular flat land to the rear 12 Pieces Lane a detached bungalow. It is in between the dwellings in Hartley Close and Saberton Close. The dwellings in Saberton Close have been recently constructed. There is a TPO'd (Tree Preservation Order) walnut tree in the north-western corner of the site, adjacent to the boundary with 17 Hartley Close.
2. The application, received 16th February 2007, as amended by letter dated 29th November 2007, proposes 8 no. two-storey dwellings. The mix is 2 no. two bedroomed, 3 no. three bedroomed, 1 no. four bedroomed and 2 no. three/four bedroomed. These will be accessed off Saberton Close and will predominantly face the new dwellings in Saberton Close. 16 car parking spaces will be provided comprising a mix of garages and spaces.
3. The application is submitted with a unilateral undertaking to make a contribution of £22,500 for education following occupation of 50% of the development (after the fourth house).
4. The application has been amended, having originally been for a scheme of nine houses. The density proposed is 31 dwellings per hectare.

Planning History

5. **S/2089/03/F** Nine houses. This was refused on grounds of poor layout, impact on amenities (loss of light), over domination of hard surfacing. An appeal was dismissed in December 2004. The Inspector considered that the layout would result in a scheme dominated by walls, fencing and hard surfacing which would have been out of keeping with the prevailing character of the area.



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Scale 1/1250 Date 13/12/2007

Centre = 549936 E 265566 N

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6. **S/0462/05/F** Eight houses following demolition of existing bungalow. Permission was refused on grounds of poor layout resulting in overly dominant areas of hard surface, not making best use of land, impact on amenity of neighbours by being overbearing due to bulk, form and mass. An appeal was dismissed in October 2005. The Inspector considered that some of the proposed dwellings would have had an overbearing impact on neighbouring properties and would be substandard in their design and layout.
7. **S/0813/06/F** Eight dwellings following demolition of existing bungalow appeal submitted due to non determination. Appeal dismissed April 2007. The Inspector considered that the scheme failed to adequately protect the living conditions of the adjoining occupiers and would cause harm to them. The development would be overbearing and unneighbourly to existing dwellings.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003

8. **P1/3 Sustainable Design in Built Development** requires a high standard of design and sustainability for all new development, providing a sense of place appropriate to the location, efficient use of energy and resources and account to be taken of community requirements.

South Cambridgeshire Core Strategy 2007

9. **ST/5 Minor Rural Centres** includes Waterbeach. Development or re-development up to a maximum scheme size of thirty dwellings is allowed within frameworks.

South Cambridgeshire Development Control Policies 2007

10. **DP/1 Sustainable Development** only permits development where it is demonstrated that it is consistent with the principles of sustainable development. The policy lists the main considerations in assessing whether development meets this requirement.
11. **DP/2 Design of New Development** requires all new development to be of a high quality design and indicates the specific elements to be achieved where appropriate. It also sets out the requirements for Design and Access Statements.
12. **DP/3 Development Criteria** sets out what all new development should provide, as appropriate to its nature, scale and economic viability and clearly sets out circumstances where development will not be granted on grounds of an unacceptable adverse impact e.g. residential amenity and traffic generation.
13. **DP/4 Infrastructure and New Developments** requires that development proposals should include suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms. It identifies circumstances where contributions may be required e.g. affordable housing and education.
14. **DP/7 Development Frameworks** permits development within village frameworks provided that retention of the site in its present state does not form an essential part of the local character; it would be sensitive to the character of the location, local features of landscape, ecological or historic importance, and the amenities of neighbours; there is the necessary infrastructure capacity to support the

development; and it would not result in the loss of local employment, or a local service or facility.

15. **HG/1 Housing Density** is set at a minimum of 30 dph unless there are exceptional local circumstances that require a different treatment in order to make best use of land. Higher densities of 40 dph will be sought in the most sustainable locations.
16. **HG/2 Housing Mix** sets a mix of at least 40% of homes with 1 or 2 bedrooms, approximately 25% 3 bedrooms and approximately 25% 4 or more bedrooms for housing developments of less than 10 dwellings. Accommodation should also provide a range of types, sizes and affordability to meet local needs.
17. **HG/3 Affordable Housing** at a level of 40% of all new dwellings on developments on two or more units is required to meet housing need. The exact proportion, type and mix will be subject to the individual location and the subject of negotiation. Affordable housing should be distributed in small groups or clusters. Financial contributions will be accepted in exceptional circumstances.
18. **SF/10 Outdoor Play Space, Informal Open Space and New Development** requires that all new residential development contribute towards outdoor space. The policy states the specific requirements, including that for small developments (less than ten units) it is expected that only informal open space be provided within the site. Contributions to off-site provision and maintenance of other types of open space will be expected in addition to this.
19. **SF/11 Open Space Standards** sets out minimum space requirements as follows: 2.8ha per 1000 people comprising 1) 1.6ha per 1000 people outdoor sport; 2) 0.8ha per 1000 people children's play space; and 3) 0.4ha per 1000 people informal open space.
20. **NE/1 Energy Efficiency** requires development to demonstrate that it would achieve a high degree of measures to increase the energy efficiency of new and converted buildings. Developers are encouraged to reduce the amount of CO₂m³ / year emitted by 10%.
21. **NE/9 Water and Drainage Infrastructure** indicates that planning permission will not be granted where there are inadequate water supply, sewerage or land drainage systems to meet the demands of the development unless there is an agreed phasing agreement between the developer and the relevant service provider to ensure the provision of necessary infrastructure.
22. **TR/1 Planning for More Sustainable Travel** states that planning permission will not be granted for developments likely to give rise to a material increase in travel demands unless the site has (or will attain) a sufficient standard of accessibility to offer an appropriate choice of travel by public transport or other non-car travel mode(s). Opportunities to increase integration of travel modes and accessibility to non-motorised modes by appropriate measures will be taken into consideration. The Local Transport Plan road user hierarchy will also be taken into account in the determination of planning applications to ensure adequate emphasis has been placed on the relevant modes, although no modes should be promoted to the exclusion of others.
23. **TR/2 Car and Cycle Parking Standards** identifies maximum parking standards to reduce over-reliance of the car and to promote more sustainable forms of transport. Cycle parking should be provided in accordance with minimum standards.

Consultations

Original Submission dated 16 February 2007

24. **Waterbeach Parish Council** – Approve.
25. **Local Highway Authority** – questions the justification for seventeen dwellings off a private drive (the proposed scheme and Saberton Close). How will drive be maintained, drained and lit? The statement suggests that the drive is to be widened. The layout plan should show this and provide dimensions together with pedestrian visibility splays to the west of the widened drive.
26. **County Finance Officer** – Is concerned that capacity of existing pre-school and primary school are inadequate. A contribution of £22,500 to provide additional school places is required.
27. **County Archaeological Unit** – Recommends that a planning condition is attached to ensure investigation is carried out for any archaeological remains.
28. **Cambridgeshire Fire and Rescue Service** – Requests adequate provision be made for fire hydrants through Section 106 agreement or condition.
29. **Waterbeach Internal Drainage Board** – Notes that the site is just outside of the Board's area but is in an area that drains into its Bottisham Locks Catchment. The Board's surface water receiving system has no residual capacity to accept increased rates of surface water run-off. The proposed method is via infiltration methods soakaways etc. Tests should be done to ensure this can be accommodated. A condition must be attached to agree the method of surface water disposal.
30. **Building Control** – No adverse comments.
31. **Environmental Services Manager** – Recommends a planning condition regarding hours of use of power operated machinery during the construction period and informatives to be attached to any consent relating to foundations and bonfires.
32. **Trees and Landscape Officer** – Insufficient landscaping information had been provided. The walnut tree in the north west corner is a significant mature tree in the built up area, although compromised by access to garages to the north. The tree should be afforded protection in accordance with BS5837. Foundations of houses in this area should be designed and constructed to accommodate future root growth. Recommend that this tree is TPO'd for its protection.
33. **Landscape Design Officer** – commented on:
 - a) The frontages of the dwellings are very close but notes that the houses are designed to avoid direct overlooking.
 - b) To achieve some visual buffer between the rear boundaries and the houses of Hartley Close, suggests a small tree per garden. Fruit trees e.g. apples on dwarfing rootstocks to achieve a mature size of 3-4m could be suitable or a shrub with a tree-like habit such as Amelanchier Lamarkii or hazel.
 - c) The rear gardens do not need to be designed beyond at this stage. However, the details of the front garden planting and hard landscape are required and notes

that the earlier phase has an element of herbaceous planting which is very appropriate to give variety in the small spaces available.

- d) A landscaping condition requiring a detailed scheme showing the species, sizes and densities of the planting is required.
- e) The tree in the north west corner is protected with a TPO. Appropriate root protection should be agreed with the Trees and Landscape Officer.
- f) The site will need to be cleared at a time of year outside the bird breeding season, as it will be rich in wildlife.

34. **Environmental Operations Manager** – No comments received.

35. **Housing and Environmental Services** – No comments received.

Amended Plans Received 3rd December 2007

36. **Waterbeach Parish Council** – recommend approval subject to there being a condition that no further development is allowed in the roof space and that the development does not exceed the 120 extra houses which Anglian Water specified in the drainage statement for the Bannold development could be accommodated at the sewage treatment plant in Bannold Drove. It is noted that there is no landscaping and no water harvesting or other ecological features on the plan.

37. The comments are awaited of **Local Highways Authority, Trees and Landscape Officer, Building Control Officer and Environmental Operations Manager**. These will be reported verbally.

Representations

Original Submission dated 16 February 2007

38. 2 letters of support have been received stating that:

- a) The scheme addresses issues that have arisen in the past.
- b) The design is coherent with Saberton Close.
- c) Access from Saberton Close is the preferred design rather than Pieces Lane.
- d) It is not overbearing to dwellings in Hartley Close.
- e) No overlooking to No 11 Hartley Close will result.

39. Letters of objection have been received from occupiers in Nos. 2, 4 and 8 Saberton Close and No. 20 Pieces Lane summarised as follows:

- a) Saberton Close is quite dangerous due to poor visibility turning in and out of it
- b) Saberton Close is too narrow to accommodate the additional traffic.
- c) Construction traffic blocking the road in Pieces Lane.
- d) Poor access via roads in the area due to parked cars, restricted visibility and narrow road widths. These add to problems for construction, emergency and refuse vehicles accessing the area and increased likelihood of a traffic accident involving children playing or cycling in the road.
- e) Potential access via Hartley Close instead of Pieces Lane.
- f) Lack of drainage infrastructure to accommodate additional surface water runoff, increasing the likelihood of flooding.

- g) Loss of light to dwellings on Hartley Close and of afternoon and evening light to dwellings on Saberton Close.
- h) Overbearing and loss of privacy due to direct line of sight due to 10m front to front distances with existing dwellings on Saberton Close (properties should be re-sited westwards to prevent this).
- i) Intrusive design that is out of keeping in the landscape.
- j) Turning area in Saberton Close is currently not large enough for large vehicles and is restricted further by parking in the street, encouraging vehicle drivers to park or turn using No. 8 Saberton Close's parking space.
- k) Existing problems caused by the access not being wide enough for delivery vans etc. without having to ask for cars to be moved.
- l) Lack of designated bin collection area within the existing development means that wheelie bins are placed at the Saberton Close/Pieces Lane junction for collection presently, blocking the path and visibility splays.
- m) Query why a pedestrian access is included but was not for the first phase?
- n) There is a need for low level lighting to the footway for safety reasons.
- o) Shortage of car parking, which is considerably worse in evenings and at weekends.
- p) Only a two-lane road should be considered to serve 17 dwellings, lighting should be provided and the road adopted due to the increased cost of its maintenance if it is to serve an additional 9 dwellings.

Amended Plans Received 3rd December 2007

- 40. No additional representations have been received. These will be reported verbally.

Planning Comments – Key Issues

- 41. The key issues in determining this application are neighbouring amenity, access, car parking, and its status as a departure from the development plan.

Neighbouring amenity

- 42. The revised layout moves the dwellings proposed so that the shortest back-to-back distance is 15.4m, which is between the bungalows on Hartley Close and plots 1 and 2. These units are 8m high to the ridge and designed with high level (1.5m above floor level) rear facing bedroom windows to minimise overlooking and loss of privacy. Similarly, the front elevations face the rear of dwellings at Saberton Close and have been designed to only have obscure glazed or high level first floor windows (1.8m above floor level) with front to back to distances of 12m. This will provide minimal opportunities for overlooking and loss of privacy. Some late afternoon and evening sunlight is likely to be lost to the short rear gardens of existing dwellings at nos.1 and 3 Saberton Close, which are to the east of plots 1 - 3. The separation distance is considered to be sufficient to ensure that there is not a significant harm to the amenities of either existing or proposed units.
- 43. Front-to-front distances with houses already built on Saberton Close will be approximately 11m with dwelling heights also at 8m. This provides a reasonable relationship, common within the wider built environment.
- 44. Some permitted development rights are proposed to be removed in order to maintain reasonable levels of amenity for existing dwellings.

Access

45. The road layout is considered to be a considerable improvement upon that which has previously been proposed, in that it no longer creates two accesses, running directly adjacent to each other. The use of the existing access point is a logical approach, and one which Officers have supported throughout this site's history. The current application was submitted, having received informal support from the Local Highway Authority.
46. The road is to be widened within the site from approximately 4m to 5.5m, according to the amended layout plan, and pedestrian visibility splays are achieved to all access points within the scheme. This scheme will improve the current situation, as refuse vehicles will be able to enter the site, turn and exit in forward gear; enabling collections from all properties on Saberton Close and not via a collection point.
47. Lighting and drainage can be conditioned to ensure that satisfactory provision is made for these, however the agent notes that the drive is to be drained using sustainable soakaways; and that formal street lighting was not required on the original scheme at Saberton Close. Notwithstanding the agent's comments, subject to the Local Highway Authority's comments, I consider that it is both reasonable and necessary to require street lighting, given that the number of vehicles using the access will be higher than previous.
48. The road is to be managed by the applicant and will be included in covenants on the sale of individual properties, therefore no management company is required.
49. It is noted that the access point at Pieces Lane may not previously have been considered suitable for this additional number of units, however the guidance in Manual for Streets does not now exclude such development. In addition, this layout enables a sensible mechanism to bring forward land for development and to achieve a layout that makes best use of that land.

Car Parking

50. All dwellings will have two parking spaces and space to store cycles within garages. Each property will be provided with refuse storage. This is in accordance with the standards set out in the development plan.

Drainage

50. The Parish Council's comment regarding drainage infrastructure are noted. The Bannold Road development proposes 100 dwellings. This scheme will provide an additional 8 units, which is within the 120 specified by the Parish in its comments. The application proposes that foul drainage will be via connection to the public main. This is acceptable in practice and accords with the Development Plan.

Other Matters

51. This application is not a for major development, therefore policy NE/12 of the Development Plan does not apply, and water harvesting measures have not been sought as a consequence.
52. The site is not regarded as having a high biodiversity value currently and therefore no measures to achieve positive gain have been sought. Further guidance will be

sought from the Council's Ecology Officer prior to the meeting and the report updated if necessary.

Departure

53. This application is a departure to the development plan in that there is no provision of public open space or affordable housing, and the mix of housing is not in accordance with that set out in policy HG/2. These requirements have come about during the life of this application, prior to the adoption of the Development Control Policies DPD, and it is considered unreasonable to now seek them. The application is not of a sufficient scale or nature, or an allocation that would result in significant prejudice to the implementation of the Development Plan. As such it is not required to be referred to the Secretary of State for determination.

Recommendation

54. Approve, as amended by plans received on 3rd December 2007 and subject to receipt of signed and completed unilateral undertaking for education contribution.

Conditions

1. SCA (Time limit) – RCA.
2. SC5 a) materials (RC5ai); b) surface water drainage (RC5b) f) materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas (RC5f) g) foundations (RC5g) Add non-standard requirement: road lighting. (Reason - In the interests of highway safety).
3. SC66 (Archaeology) – RC66.
4. Development shall not begin until a scheme for the provision and location of fire hydrants to serve it, to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority; the development shall be implemented in accordance with the approved scheme prior to the occupation of any one dwelling within the site. (Reason - To ensure the provision of adequate facilities for fire fighting).
5. SC51 (Landscaping scheme) – RC51.
6. SC52 (Implementation of landscaping) – RC52.
7. SC56 (Tree protection during development) – RC56.
8. SC26 Power operated machinery, worded: "During the period of construction..." (RC26).
9. Prior to the occupation of the dwellings hereby permitted the parking and turning spaces as detailed on the approved drawing number shall be constructed and made available for use and shall thereafter be retained at all times. (Reason – To ensure that turning and parking facilities are available in the interest of highway safety).
10. The garages of the dwellings hereby permitted shall not be used as, or converted to, additional living accommodation. (Reason - To ensure parking of vehicles is retained at all times in the interest of highway safety).

11. Pedestrian visibility splays shall be provided as indicated on drawing 002B and shall be maintained free from any obstruction over a height of 600mm. (Reason - In the interest of pedestrian safety).
12. SC21 (Removal of permitted development rights in regard to Plot 7):
PART 1, (Development within the curtilage of a dwellinghouse, Classes A, and E). (Reason - To protect the existing walnut tree).
13. SC21 (Removal of permitted development rights in regard to Plots 1, 2, 3, 4, 5 and 6).
PART 1, (Classes A, B, C & E.)
(Reason - To protect the amenities of occupiers of adjoining properties).
14. SC22 No further windows or openings at first floor level in Plots 1 to 6 inclusive (RC22).
15. SC23 Obscure glazing – (RC23) worded:

Plots 1 and 2: first floor bathroom window and escape hatch (west elevations)
Plot 3: first floor windows, including stair window (eastern elevation)
Plot 4: escape hatch north and west elevations)
Plot 5: escape hatch (north elevation)
Plot 6: escape hatch (south elevation)
Plot 7: first floor bathroom and stair window (south elevation), escape hatches (east and west elevations); and
Plot 8: escape hatches (east elevation)

Informatives

- 1 – 4 Standard highway informatives.
5. See attached Environment Agency Advice.
6. Piled foundations.
7. Bonfires.
8. Clearance of the site should take place outside of the bird nesting season.

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

- Cambridgeshire and Peterborough Structure Plan 2003
- Local Development Framework Core Strategy 2007 and Development Control Policies 2007
- Planning files Ref: S/2089/03/F, S/0462/05/F, S/0813/06/F and S/0276/07/F

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