

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5th August 2009

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

S/0821/09/F - LINTON
Erection of Two Dwellings – Land to the North of 42 Back Road
for Mr Barrie R H Wilson

Recommendation: Approval

Date for Determination: 4th August 2009

Departure Application

Notes:

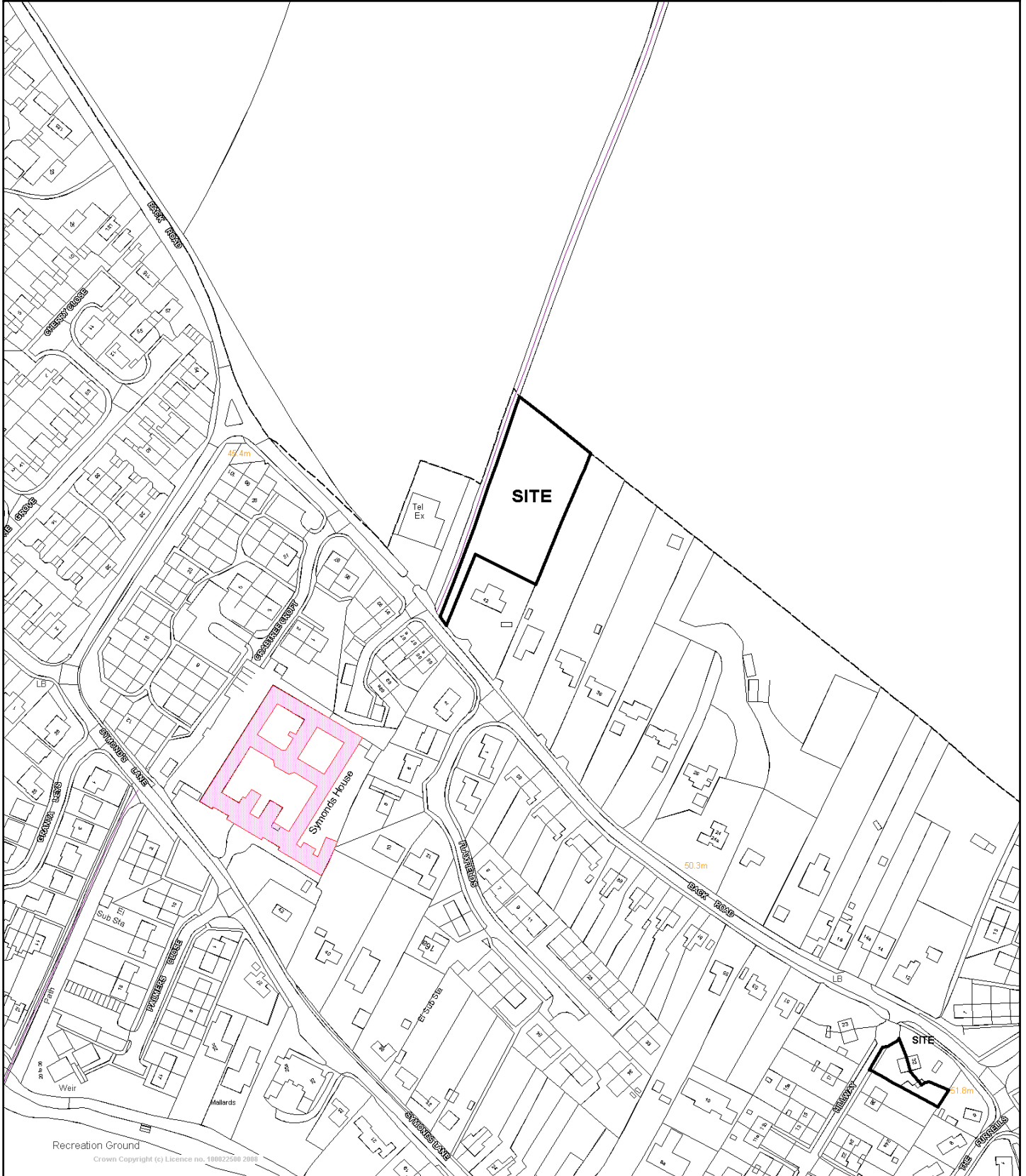
This Application has been reported to Planning Committee for determination because the application is a Departure from the Development Plan and the Officer recommendation is of approval.

Site and Proposal

1. This 0.3 hectare application site is located on the north-western edge of the village of Linton and comprises a two storey detached dwelling on a substantial plot. The land rises steeply from south to north, with an approximate 5 metre difference in levels between the existing dwelling and the northern/countryside boundary. To the east are residential properties whilst, to the west, is a public bridleway beyond which is a telephone exchange building. The land beyond the northern boundary of the site consists of open fields that continue to rise steeply towards Rivey Hill.
2. The full application, registered on 9th June 2009, and amended on 17th July 2009, proposes to erect two dwellings on the site. The proposed dwellings would be detached two storey properties sited in a line to the rear of the existing dwelling. The materials to be used would be similar to No.42, with the same facing brickwork and/or render (to be agreed) at lower level and black stained feather edged boarding on the upper storeys. The roofs will be finished in natural slate. Access to the site would be via the existing access on the west side of the plot, which would be widened to 5 metres for a distance of 10 metres back from the highway.
3. The density of the development equates to 6.7 dwellings per hectare. The dwelling on Plot 1 would be a 5-bedroom house, whilst the Plot 2 house would comprise 4 bedrooms.

Planning History

4. **S/1907/06/F** – Application for two houses and garages to the rear of No.42 approved at Planning Committee in December 2006. This consent was subject to a number of conditions, including the need for the access to be widened to 5m for 10m back from



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August Planning Committee 2009

the highway. The permission was amended in July 2008 and expires on 17th December 2009.

5. **S/2094/04/F** – Permission granted for the erection of a house and garage to the rear of the existing dwelling.
6. **S/2369/00/F** – Permission granted for the erection of a house and garage to the rear of the existing dwelling together with extensions to No.42.
7. **S/1109/00/F** – Application for three dwellings and garages following demolition of existing dwelling refused due to: the impact upon the character of the surrounding countryside; ‘tandem’ development being out of keeping with the character of Back Road; noise and disturbance from the access to occupiers of the frontage dwelling; and would set a precedent for similar development to the rear of properties in Back Road.

Planning Policy

8. South Cambridgeshire Local Development Framework 2007:
 - ST/5 – Minor Rural Centres
 - DP/1 – Sustainable Development
 - DP/2 – Design of New Development
 - DP/3 – Development Criteria
 - DP/4 – Infrastructure and New Developments
 - HG/1 – Housing Density
 - HG/2 – Housing Mix
 - HG/3 – Affordable Housing
 - SF/10 – Outdoor Playspace, Informal Open Space, and New Developments
9. **Supplementary Planning Document** – Open Space in New Developments – Adopted January 2009
10. **Circular 05/2005 – Planning Obligations** – states that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind, and reasonable in all other respect.
11. **Circular 11/95: The Use of Conditions in Planning Permissions** – states that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultations

12. **Linton Parish Council** makes no overall recommendation, but wishes to highlight the following points:
 - (a) Council reiterates its comments made relating to application S/1907/06/F. This Council believes that it would significantly intrude on this area of best landscape and the recently listed Water Tower
 - (b) Council believes that this development would seriously harm the visual impact on the Icknield Way
 - (c) Council considers this application to be contrary to Policy SE2 (b) the development would be sensitive to the character of the village, local features of landscape or ecological importance, and amenities of the neighbours

- (d) Council has noted the radical change in design and whilst it is pleased that the footprint is slightly reduced it is concerned that the numerous balconies would intrude on the privacy and amenity of the neighbouring properties
 - (e) Contrary to the Design and Access Statement, the surrounding area is susceptible to flooding from Rivey Hill
 - (f) Conditions: Should this application be permitted Councillors would wish it to be conditioned that the boundary hedges be reinforced by planting with native species, all gaps in the hedges closed so there is no longer vehicular and pedestrian access onto Bridleway 21. All driveways and hard landscaping should be of permeable material, to minimise flood potential to neighbouring properties.
13. **The Local Highways Authority** recommends refusal, stating that the proposed development would involve the construction of a new vehicular access onto Back Road where visibility is severely restricted by vegetation outside of the remit of the applicant and would therefore be detrimental to highway safety. No visibility splays have been shown but the permitted visibility splays of 2.4m x 70m would be required and provided each side of the vehicular access measured from and along the highway boundary.
14. **The Countryside Access Team** raises no objections, subject to a number of points of law relating to obstruction of the adjoining public bridleway being added as informatives to any planning permission.

Representations

15. Letter received from the owners of No.40 Back Road to the east, who raise no objections to the planning application on the basis of the amended drawings.

Additional Representation from the Applicant

16. The applicant has made the following comments in respect of the Parish Council's representation:
- a) Concerns regarding the impact on the landscape and water tower ignores the fact that the site already has consent for two houses. The water tower is only visible from Balsham Road and is about 1000 metres away from the application site;
 - (b) The adjoining bridleway is not part of the definitive Icknield Way;
 - (c) Policy SE2 has been superseded by Policy ST/5. The previously approved scheme was considered by Officers to accord with former Policy SE2 in any case;
 - (d) The occupiers of the neighbouring property have not raised any concerns about the balconies and overlooking issues;
 - (e) During the floods approximately 8 years ago, rainwater ran into a cleft in Rivey Hill and down between Nos. 28 and 42 Back Road, which resulted in some minor flooding of No.40. This was a one off situation which the owners of 38 and 40 have now remedied by building a large rainwater collection pit and a new surface water drain. No.42 itself was never flooded nor was the application site, which has the benefit of being on higher ground and on chalk.

Planning Comments – Key Issues

17. The key issues to consider in the determination of this application relate to:

- Impact upon the character of the area;
- Residential amenity;
- Housing density, mix, affordable housing and open space provision;
- Flood risk.

Visual Impact

18. As stated within paragraph 5 of this report, the site has an extant planning permission for the erection of two dwellings to the rear of No.42 Back Road (S/1907/06/F). The approved two storey houses were arranged in a tandem form of development, with the dwelling on plot 1 sited directly to the rear of the existing property and the house on plot 2 incorporating a curved design so that it rounded off the development. The scheme was later amended in July 2008 to: rearrange the windows, doors and chimney stacks; extend the cellar areas to both properties; and to add a first floor window to the north side gable of plot 1 and high level glazing to the south side elevation of plot 2.
19. In the current application, the proposed dwellings occupy roughly the same footprints as the previously approved properties. The dwelling on Plot 1 (the nearest plot to No.42) has been moved slightly further away from the boundary with No.40 to the east than in the previous scheme. In addition, the approved detached garage on this plot has been removed and an attached carport added, thereby enabling the garden area allocated to the existing dwelling to be increased in size. The dwelling on Plot 2 no longer turns the corner to round off the development, but the eastern side elevation remains in approximately the same position as previously approved. This property has a smaller footprint and volume than proposed within the extant application (footprint reduced from 133m² to 105m² and volume reduced from 675m³ to 481m³).
20. The heights of the dwellings above the respective ground levels would be the same as in the previous scheme, but the dwellings would incorporate a slightly shallower roof pitch, thereby resulting in a 700mm increase in the eaves heights. When comparing the longitudinal west side cross section drawing (17a) against the approved scheme, the currently proposed house on Plot 1 has a larger west facing gable and a greater amount of glazing facing westwards. However, this gable would be similar in appearance to that previously and currently proposed for the dwelling on Plot 2. The Plot 2 dwelling, being smaller in size, would have a much lesser bulk and visual impact than in the approved scheme.
21. The existing garden area is separated from the adjacent bridleway to the west by a mixture of mature hedgerows and trees, whilst the northern boundary has substantial screening that ranges from 4 to 10 metres in height. The dwelling on Plot 2 would not be readily visible due to its height (7 metres above the existing ground level), the height of the rear/north boundary screening, its position some 30 metres way from the rear boundary, and the finished floor level of the dwelling being some 2.3m to 3.8m lower than the ground level at the north boundary. When approaching the village from the west, the western gable ends of the dwellings would be visible above the hedgerow forming the boundary with the public bridleway. However, these views would be from in excess of 100 metres away and, at this distance, the development would be read in conjunction with the surrounding built up part of the village rather than being viewed as an encroachment towards the surrounding countryside.
22. The impact of the development upon the surrounding countryside and bridleway was previously considered by this Authority to be acceptable. The proposed revisions to the previously approved scheme, given that the dwellings are in approximately the

same positions and the same heights as the approved scheme, do not materially or significantly alter the impact of the development upon its surroundings.

23. Concerns have been raised by the Parish Council in respect of the impact of the development upon the setting of the water tower. This structure is some 930 metres to the north east of the application site, and is not visible from the site. The water tower can principally be seen when leaving the village along the Balsham Road, from where the water tower and site are not seen together. As such, the development is not considered to harm the setting of this building.
24. As requested by the Parish Council, landscaping and boundary treatment conditions would be essential as part of any consent.

Residential amenity

25. With regards to the impact of the development upon the amenities of occupiers of No.40 Back Road, the proposed dwelling on Plot 1 incorporates rear/east facing bedroom windows at first floor level. This dwelling, however, is sited approximately 15 metres away from the boundary with No.40, and the first floor windows would be sited in excess of 30 metres away from No.40's master bedroom balcony and main sitting out area. As the property has been eased slightly further away from the east boundary, when compared to the approved scheme, the impact upon No.40 has been reduced. During the course of the current application, the applicant has also made further modifications to the design of the dwellings in order to overcome some concerns raised by the occupiers of No.40. The juliet balcony and doors have been omitted from the east elevation of the Plot 1 dwelling and replaced with traditional windows, and the extent of glazing on this elevation has been reduced. In addition, a first floor balcony to the east elevation of the Plot 2 house has been replaced with a juliet balcony. On the basis of these amendments, the occupiers of No.40 have confirmed that they have no objections to the proposal.
26. The relationships between the existing dwelling and Plot 1, and between Plots 1 and 2, is considered to be acceptable. The Plot 1 property has no first floor south facing windows, whilst first floor openings in the south elevation of the Plot 2 dwelling would consist of high level rooflights. A condition should be added to any consent preventing the insertion of further first floor windows in the south elevations of Plots 1 and 2, and in the north elevation of Plot 1, without planning permission.

Density, Mix, Affordable Housing and Open Space Issues

27. The proposal represents a density of 6.7 dwellings per hectare, contrary to the provisions of Policy HG/1 of the Local Development Framework, which seeks to achieve a minimum density of 30 dwellings per hectare. The application proposes two market houses, one of which would be a 4-bedroom property and the other a 5-bedroom dwelling. The scheme is also therefore contrary to Policies HG/2, which would require one of the two dwellings to be a 1 or 2 bedroom property (if no affordable housing was provided on the site), and HG/3, which would require one of the two dwellings to be an affordable unit. Finally, the application proposes no open space contribution and therefore also conflicts with LDF Policy SF/10. Given that the scheme conflicts with Policies HG/1, HG/2, HG/3 and SF/10, it has been treated as a Departure from the Development Plan, and has been advertised accordingly.
28. The site benefits from an extant planning permission that predates the 2007 Local Development Framework and, hence, was not subject to the need to meet the requirements of the aforementioned policies. Given that the applicant could

implement the currently approved scheme without these requirements, and that the current application does not propose to enlarge the dwellings (and, hence, increase the demand for open space contributions, for example, when compared to the approved scheme), Officers consider it would be unreasonable to refuse the application on the grounds that it fails to comply with these policies. The existence of an extant consent is therefore considered to constitute the special circumstance for supporting the application contrary to the provisions of the Development Plan.

Highway Safety

29. The Local Highways Authority has objected to the application on highway safety grounds. However, the proposal does not increase the number of dwellings, compared to the approved scheme, and the highway safety implications are therefore no different. Rather than proposing a new access, the application seeks to upgrade and improve the existing access in order to increase its width to 5 metres for 10 metres back from the highway boundary. I have provided the Local Highways Authority with further information relating to the history of the site and clarification that no new access is proposed, and queried whether these facts overcome its recommendation of refusal.
30. I have requested the provision of a drawing showing the required 2.4m x 70m visibility splays in their entirety. Any consent should be subject to the provision of these splays as well as to the required improvements to the existing access.

Flood Risk

31. The Parish Council has expressed concern about the application, stating that Rivey Hill is susceptible to flooding. The applicant has responded by providing information about the flooding that occurred 8 years ago in the village, which, he states, did not affect the application site.
32. The site lies within Flood Zone 1. In such areas, the Environment Agency's standing advice states that the main flood risk issue to consider relates to the management of surface water run-off. It is recommended that run-off be controlled as near to its source as possible through a sustainable drainage approach, which seeks to retain water on the site rather than pipe water off site as quickly as possible. The submitted Design and Access Statement explains that rainwater harvesting would be used for both houses, with the overflows running to soakaway pits, although no further information on the locations of these pits has been provided. Whilst the applicant's general approach towards the management of surface water run-off appears consistent with the Environment Agency's guidance, a condition requiring the submission of further details of the proposed surface water drainage should be imposed upon any planning permission.

Recommendation

33. Approval, as amended by drawing numbers 20A, 21A, 22B and 23A date stamped 17th July 2009:
 1. Standard Condition 1 (Reason 1)
 2. Sc5 – Landscaping (Rc5)
 3. Sc6 – Implementation of landscaping (Rc6)

4. Sc12 – Boundary treatment (Rc12)
5. No development shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings and garages 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.)
6. No development shall commence until details of the materials to be used for the hard surfaced areas 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 the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
7. 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 windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed at and above first floor level, including in the roof space, in the north and south elevations of Plot 1 and in the south elevation of Plot 2, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf (Reason - To safeguard the privacy of adjoining occupiers in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
8. Sc24 – Surface water drainage (Rc24)
9. Sc38 – Noise during construction (Rc38)
10. The dwellings, hereby permitted, shall not be occupied until the access road, to be a minimum width of 5 metres for a minimum distance of 10 metres back from the highway, has been constructed in accordance with drawing number 1 Rev J (Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
11. Visibility splays shall be provided on both sides of the access and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary (Reason – In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
12. Visibility splays shall be provided on either side of the junction of the proposed access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 70m measured along the channel line of the public highway from the centre line of the proposed access road (Reason - In the interest of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

Informatives

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

South Cambridgeshire Local Development Framework (LDF) 2007;
Planning application references: S/0821/09/F, S/1907/06/F, S/2094/04/F, S/2369/00/F and S/1109/00/F

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