

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7th October 2009

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

S/1702/08/F- WILLINGHAM

**Erection of 10 Dwellings Following Demolition of Existing Buildings
At Aspinalls Builders Yard, 2 Station Road, for Aspinalls Builders Merchants Ltd**

Recommendation: Refusal

Date for Determination: 15th October 2009 (Major Application)

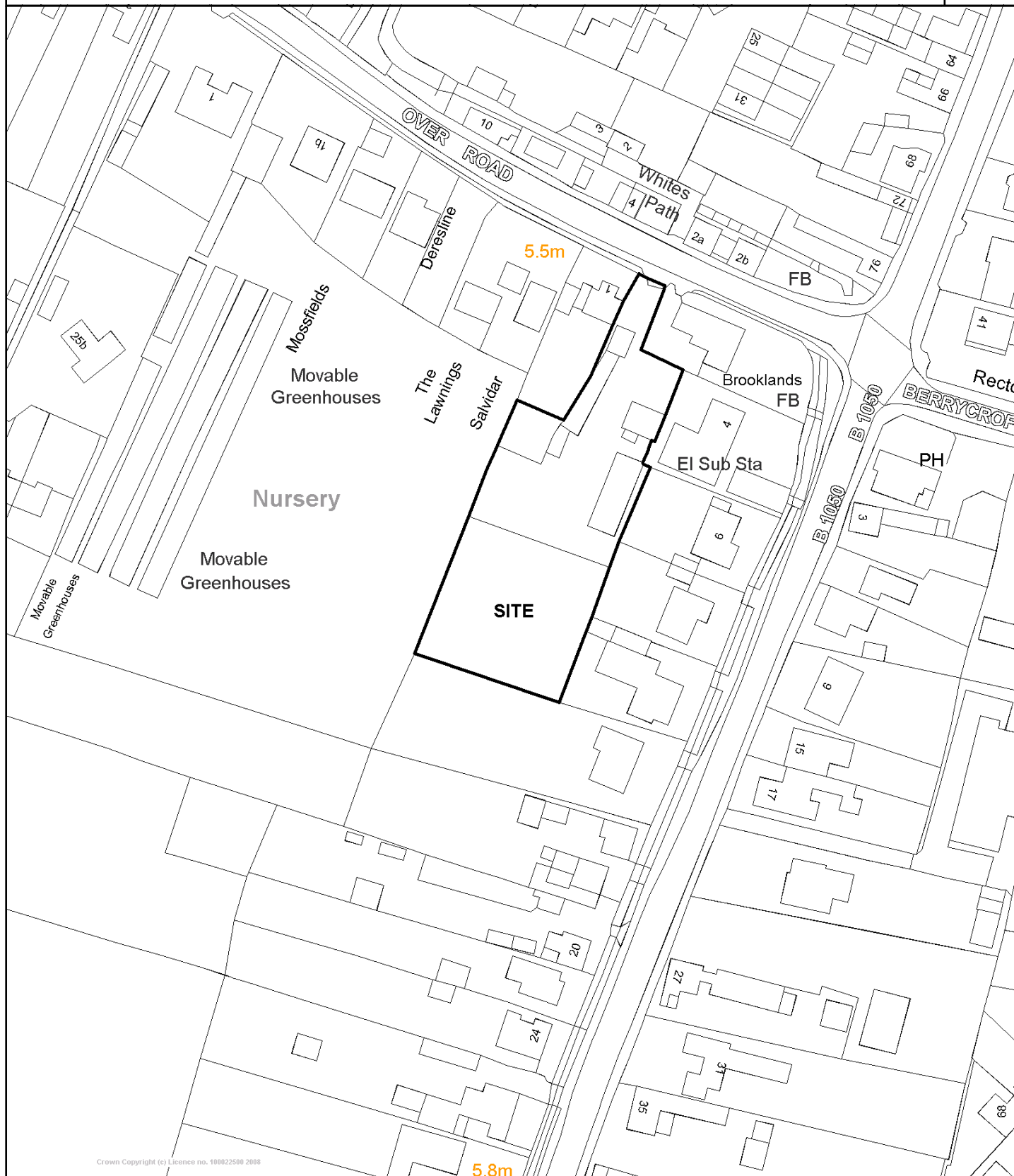
Notes:

This Application has been reported to the Planning Committee for determination because it is a Major application and a Departure from the Development Plan.

Site and Proposal

1. The application site is 0.28 hectares in size located partly within the village framework. It is approximately 3.5 kilometres from Longstanton, 2.9 kilometres from Rampton, 2 kilometres from Over and 2.3 kilometres from the proposed Northstowe site.
2. The site, which is located on the west side of the B1050 through road, comprises of a group of commercial buildings. The buildings on site have a footprint of approximately 456 m.sq. The units are predominately single storey though there is a taller timber building approximately 6/7 metres in height to the ridge and used for storage and retail. To the rear of the site is a thick band of leylandii screening the neighbouring properties to the southeast. To the west are open fields, to the east residential bungalows and to the north the site is accessed from Over Road. After closing it is enclosed with 2 metre wire fencing and double gates.
3. The site is currently used as builders' merchants and is surrounded by residential properties to the north, east and west located on Over Road and the B1050.
4. The full application received 20th January 2009 and amended 16th July 2009 and 8th September 2009, seeks consent for the erection of 10 dwellings following the demolition of the existing buildings. The application is accompanied by:
 - (a) Design and Access Statement
 - (b) Flood Risk Assessment
 - (c) Biodiversity Survey Report
 - (d) Planning Heads of Term
 - (e) Affordable Housing Statement
 - (f) Daylight and Sunlight Assessment (amended version received 5th June 2009)
 - (g) Utilities Statement
 - (h) Environmental Survey Report

Details of their content are explored further in the report under the relevant subheadings.



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Scale 1/1250 Date 17/9/2009

Centre = 540095 E 269966 N

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5. The scheme comprises 4 affordable units comprising 2 x1 bedroom flats, 1 x 3 bedroom flat and 1 x 2 bedroom flat. The scheme also proposes 5 x terrace dwellings and 1 detached comprising 2 x 2 bedroom, 2 x 3 bedroom and 2 x 4 bedroom. 16 car parking spaces are proposed for the new units and 4 spaces are provided for the existing units Brooklands House and No. 4 Station Road. A bike shed would provide six spaces for the flats and bike and bin stores for the dwellings.

Planning History

6. **C/0519/56** – Residential development – approved (Included units facing the B1050, Brooklands House, No. 4, 6, 8, and 10 Station Road).
7. **S/1293/74/F** – Siting of a caravan – approved.
8. **S/1104/89/F** – Amendment of condition to permit sales of building and plant equipment – approved.
9. **S/0807/04/F** – Change of Use from Garden land to open storage for builders plant and materials – Refused by LPA, allowed at Appeal.
10. **S/1017/99/F** – (Retrospective) Extension to concrete apron and erection of replacement storage and aggregate storage bins – approved.
11. **S/0277/07/F** – Erection of 10 dwellings - withdrawn.

Planning Policy

Planning Policy Statements:

12. **PPS1** (Delivering Sustainable Development)
13. **PPS3** (Housing)
14. **PPS 7** (Sustainable Development in Rural Areas)
15. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
16. **Circular 05/2005 - Planning Obligations:** Advises that planning obligations must be relevant to planning, necessary, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respect.

South Cambridgeshire Core Strategy 2007

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

South Cambridgeshire Development Control Policies 2007

18. **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.

19. **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.
20. **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.
21. **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.
22. **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.
23. **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.
24. **HG/2 Housing Mix** - accommodation should provide a range of types, sizes and affordability to meet local needs. In developments of more than 10 dwellings a mix of units will be sought providing a range of accommodation, including one and two bedroom dwellings.
25. **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, although this will not be appropriate for major developments.
26. **ET/6 Loss of Rural Employment to Non-Employment** states in part that the conversion, change of use or re-development of existing employment sites to non employment uses within village frameworks should be resisted unless certain criterion are met.
27. **SF/1 Protection of Village Services and Facilities**, aims to refuse proposals, which would result in the loss of a village service.
28. **SF/6 Public Art and New Development** states in determining planning applications the District Council will encourage the provision of publicly accessible art, craft and design works. The policy will apply to residential developments comprising 10 or more dwellings.
29. **SF/10 Outdoor Play Space, Informal Open Space and New Development** requires that all new residential development contribute towards outdoor space. Only family dwellings of two or more bedrooms will be requested to contribute to the provision of

Children's Play Space. Contributions to off-site provision and maintenance of other types of open space will be expected in addition to this.

30. **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.
31. **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%.
32. **NE/6 Biodiversity** - New developments should aim to maintain, enhance, restore or add to biodiversity.
33. **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.
34. **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.
35. **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.
36. **TR/3 Mitigating Travel Impact** requires applications for major residential development to be accompanied by a Transport Assessment
37. **TR/4 Non Motorised Modes** states that the District Council will use its planning powers by ensuring that all new developments are designed at the outset to facilitate and encourage short distance trips between home, work, schools and leisure.
38. **Adopted Supplementary Planning Documents (January 2009), Open Space in New Developments and Public Art** provide details on how relevant Local Development Framework Policies will be implemented.

Consultation

Following the amendment many of the Consultees have not changed their views on the development proposed. Where details have not been forthcoming

following the amendment I have included the comments received in regard to the original application.

39. **Willingham Parish Council** – recommends approval.
40. **Local Highway Authority** – did not object in principle. Further comments will be presented verbally. .
41. **County Finance Officer** – with regards to the S106 primary school contributions it is calculated that a sum of £16,800 is requested.
42. **County Archaeological Unit** – recommends that any planning permission be subject to a negative condition requiring a scheme of archaeological work in advance of development.
43. **Cambridgeshire Fire and Rescue Service** – has no comments.
44. **Anglian Water** – no objections. The foul sewerage network system has adequate capacity as does Over Sewage Treatment Works.
45. **Corporate Manager (Health and Environmental Services)** – Contaminated Land – has requested the site be investigated for contamination and has recommended a condition requiring this prior to development commencing.
Noise - no objection though has included conditions regarding external flood lighting, hours of work and pile foundations. Additionally it has also suggested an informative regarding the requirement of a Demolition Notice.
46. **Ecology Officer** – raises no objection.
47. **Housing Development and Enabling Manager** - is aware that the scheme has been reduced in numbers and is happy with the proposed affordable housing mix.
48. **Urban Design Surgery** - will be reported verbally at Committee.
49. **Trees and Landscape Officer** – no objections.
50. **Landscape Design Officer** – comments to be presented verbally.
51. **Environment Agency** – comments to be presented verbally.
52. **Awards Drain Manager** - no objections.

Representations

53. A copy of registered complaints regarding nuisance at the application site has been submitted by the agents as supporting evidence that the site is problematic under its existing use and therefore more suitable for residential development.
54. There have been 7 complaints in total about the site from 2001 regarding noise, atmospheric pollution, odours and light pollution. The reports from the EHO inform all matters were resolved and no further complaints have been received since February 2008. The incidences are briefly listed below:
 - (a) Atmospheric 17/09/2001 – Fumes and Gases
 - (b) Atmospheric – 17/01/2002 – Bonfires

- (c) Noise – 24/03/2001
- (d) Noise – 24/09/2003
- (e) Atmospheric – 26/02/2004 – Bonfires
- (f) Odour – 23/11/2004
- (g) Light Pollution 06/02/2008

55. In addition to the evidence of complaints the agents have also included copies of 6 letters from suppliers and purchasers of goods from the site that have had problems with accessing the site, including a letter from the applicant who also experiences problems due to the increase in the size of delivery vehicles. Problems include, waiting vehicles on the road, reversing lorries and a danger to the health and safety of those present on site.
56. Four letters of objection have been received from occupiers of surrounding properties, namely 8 and 10 Station Road and “Salvidar” and “The Lawnings” on Over Road. The objections are summarised below:
- (a) Concern as to why an application for 10 was withdrawn and an application for 12 dwelling submitted.
 - (b) Loss of trees to the rear of the site that afford good screening.
 - (c) Overdevelopment of the site.
 - (d) Not enough parking for residents let alone visitors.
 - (e) 3 storey units out of character with this part of the village.
 - (f) Flooding concerns.
 - (g) Loss of builders’ merchants in the village.
 - (h) School is at full capacity and reiterated in planning documents.
 - (i) Road safety concerns.
 - (j) Sunlight/daylight document shows considerable overshadowing to the rear of “Salvidar” on Over Road.
 - (k) Overlooking concerns regardless of frosted glass as properties are close together.
 - (l) Road safety on Over Road as fear that lack of parking on site will spill out on to busy main road and very close to traffic light junction.
 - (m) Large percentage of future village development requirements presented on one site alone.
 - (n) Too squashed.
 - (o) High density.
 - (p) Design, height and balconies not in keeping with the area.
 - (q) Surface water run off concern.
 - (r) New development in Willingham has already caused flooding problems to the recreation ground. This development will exacerbate the problem.
 - (s) Parking not sufficient.
 - (t) Noise and disturbance would be generated by amount of dwellings and cars both day and night.
 - (u) Over Road already very busy, new units would make this worse.
 - (v) Swallows and bats roost and nest in the barns on the building site and removal of these buildings would affect ecological habitats.
 - (w) Northstowe is proposing 10000 new dwellings half a mile away. 12 houses here are not needed.
 - (x) If approved density should be reduced.
 - (y) Serious affect on the lives of the neighbouring occupiers if granted approval.

Planning Comments – Key Issues

57. The key issues to consider in determining this application are Density and Principle of Development, Housing Mix, Affordable Housing, Design and Layout, Neighbour Amenity, Public Open Space, Drainage, Access, Car parking, Public Art, Biodiversity and Landscaping, Energy Efficiency and Renewable Energy Provision
58. ***Density and Principle of Development*** – The site is well related to the centre of the village and within easy reach of local services in the village. Although the scale of development accords with Policy ST/5 of the adopted Core Strategy, approximately 0.18 hectares of the site lies outside the village framework, albeit that approximately 50% of that land is presently in commercial use. Notwithstanding Policy DP/7 (Development Frameworks), I consider that part of this site is suitable for residential development of some kind. The application has been submitted alongside planning application reference S/0457/09/F that proposes a change of use to a site in Longstanton to Builders merchants and therefore relocating rather than losing a local business.
59. It is the view of officers that, though the applicants have provided evidence to suggest the existing use is no longer suitable for the site, it does not indicate why this site is not suitable for a further employment use. The evidence provided to date shows sporadic complaints from neighbouring properties over a course of years and access difficulties for the suppliers that visit the site. There is no evidence from local residents that would indicate the existing use is a major problem. The agent confirms this is through the better management of the site and in turn proves that the two neighbouring uses can indeed work together.
60. The relocation of the builders yard is predominately based around the need for the business to be able to expand. As the business has grown it has required higher levels of supplies to meet the demand and therefore larger vehicles having to visit the site. This is unlikely to change if the use is relocated. It merely makes it easier for the users and provides space for future growth. Whilst officers are not entirely against the idea of using this site for residential purposes the site should be explored as an employment site first and foremost.
61. ***Housing Mix and Affordable Housing*** – The mix proposes 2 x 1 bed, 1 x 3 bed and 1 x 2 bed units for affordable housing, alongside 6 market dwelling comprising 2 x 2 bed, 2 x 3 bed and 2 x 4 bed units. The mix of units reflects the wording of the policies HG/2 and HG/3 in meeting local needs for affordable housing and the Housing Enabling Officer supports the tenure mix and the proposed affordable units. The applicant has indicated that it is willing to enter into an agreement regarding affordable housing.
62. ***Design and Layout*** – The original scheme of 12 dwellings has changed considerably since its original submission in April 2009 and the agents have worked with officers to address the concerns raised, hence the number of amendments and the reduction in the number of dwellings proposed to that of 10. Original comments from the Urban Design Panel recommended significant changes, the majority of which were taken on board.
63. Manoeuvrability on site looks constrained but the dimensions for parking and road width are acceptable.
64. Officers did agree the principle of gardens extending beyond the village framework during pre-application discussions.

65. **Neighbour Amenity** – I consider there are various areas where neighbour amenity would be negatively impacted. It does not seem that the proposal has adequately addressed all of the concerns raised and there is further scope to negotiate a lesser impact on neighbour amenity if residential development is approved here.
66. Though considerable changes have been made to the scheme it is the view of officers that there is still an element of overlooking between the proposed flats and No. 4, 6 and 8 Station Road. The proximity of the flats to Brooklands House is also an area of concern with regard to this. Proposed Unit 6 has been altered to address overlooking of No. 1 Over Road.
67. **Public Open Space** – No provision has been made on site for Childrens Play Space “Due to the viability of the proposal”. The applicant is willing to enter into an agreement regarding off site contributions as required by SF/10 of the Development Control Policies. It has not been demonstrated that this required space couldn't be provided on site. The scheme proposals do not allow for any space to be considered on site and it is unlikely to be achieved due to the density of the site.
68. **Drainage** – The site is in high and medium Flood Risk zones 2 and 3 and residents around the site raise surface water flooding as a major concern. The Environment Agency comments have not yet been received. These comments will be reported verbally to Committee and are of high importance. A revised Flood Risk Assessment is still awaited from the agents.
69. A Water Conservation Strategy is included in the submissions. This states that due to the nature of the application it is not possible to set out in any detail exactly what measures will be incorporated into the development. It does however propose dual flush toilets and consideration will be given to aerated taps and shower fittings. Water efficient appliances will be installed in the new flats if possible. Where possible it is proposed water butts will be provided on the rear elevations of the new dwellings. Foul water sewerage would be connected to the mains drainage system.
70. **Access and Car Parking** – The access is seen as acceptable to the Local Highway Authority. Further information received 5th June 2009 suggests the movement survey carried out clearly shows a high level of vehicular movement associated with the Builders Merchants use and there would be a reduction in traffic flow from the site if it were to be residential. The data collection provides information regarding traffic movement for the yard including staff, deliveries and visitors over a period of 1 week. It doesn't indicate at what level of residential occupation it was being assessed against and it can be only be assumed to be supportive of the 10 dwellings proposed.
71. The scheme provides an average 1.5 spaces per unit in line with the requirements of the Development Control Policies Parking Standards. Parking space No 8 could cause problems of conflict between users in the way it is positioned.
72. **Public Art** – No reference is made in the application to the provision of public art. C24 and C25 of the Heads of Term document states that no planning obligations are anticipated. The Policy is not obligatory.
73. **Biodiversity and Landscaping** – Comments are awaited in relation to Landscaping. With reference to Biodiversity the scheme is acceptable.
74. **Energy Efficiency and Renewable Energy Production** – Since the reduction in dwelling number this requirement is no longer compulsory. The renewable energy

statement in paragraph C2 states that due to the limited nature of the development it is not possible to state in any detail what the predicted energy requirements of the proposed development will be or how the 10% energy saving could be achieved. However it does include principles on which detailed assessment could be later agreed. It does not propose any within the scheme submitted, although the agent is not adverse to including and agreeing them at a later date.

75. Section C70 of the Sustainability report does run through the options of Renewable Energy technologies for the scheme. Out of the 6 discussed, solar hot water (SHW) and photovoltaic panels (PVP) are considered feasible subject to their impact on the roof appearance, viability assessment (given their long payback period) and effectiveness on 3 storey dwellings.

Recommendation

Refuse

1. The development proposes a significant element of new build outside of the village framework. Whilst it is agreed in principle that rear gardens could extend beyond the framework on this site, this scheme proposes 6 new units in the countryside and is therefore contrary to the aims of Policy DP/7 of the South Cambridgeshire Local Development Framework Development Control Policies (SC LDFDCP) adopted 2007 that restricts development in the countryside for the purposes of agriculture, horticulture, forestry, outdoor recreation and other uses that need to be located in the countryside.
2. The proposed development, by reason of its scale, siting and position of windows would give rise to harm neighbour amenity through undue overlooking and overbearing impact. This is with particular reference to overlooking between the proposed flats (units 7-10) and No. 4, 6 and 8 Station Road, all of which are single storey dwellings with shallow gardens, and from the proximity of the proposed units 7-10 to No. 4 and No.6 Station Road and the proposed Unit 1 to the rear of No. 8 Station Road. The application is therefore contrary to Policy DP/3 of the SC LDFDCP 2007, which aims to safeguard reasonable amenity in new development.
3. The proposal comprises the residential development of an existing employment site within the village framework that is not supported under Policy ET/6. The use, though relocating to a neighbouring village is proposing the loss of a site that has not been subject to a demonstration that one of the three criteria of Policy ET/6 can be met. It is therefore contrary to the requirements of Policy ET/6 of the SCLDFDCP 2007 that aims to resist development that would result in the loss of an employment site.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007) and Development Control Policies (adopted July 2007)
- Planning File Ref: S/1702/08/F and applications referred to in this report

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