

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

13th January 2010

AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and Sustainable Communities)

S/1583/09/O - Highfields Caldecote

Proposed Outline Permission, with all Matters Reserved, for the Erection of One Dwelling and Conversion of Existing Garage to Form Dwelling at Land in Rear Garden of 97-99 West Drive for Mr Phil Wright

Recommendation: Approval

Date for Determination: 7th January 2010

Notes:

This application has been reported to the Planning Committee as the recommendation for approval is contrary to the Parish Council's recommendation of refusal.

Site and Proposal

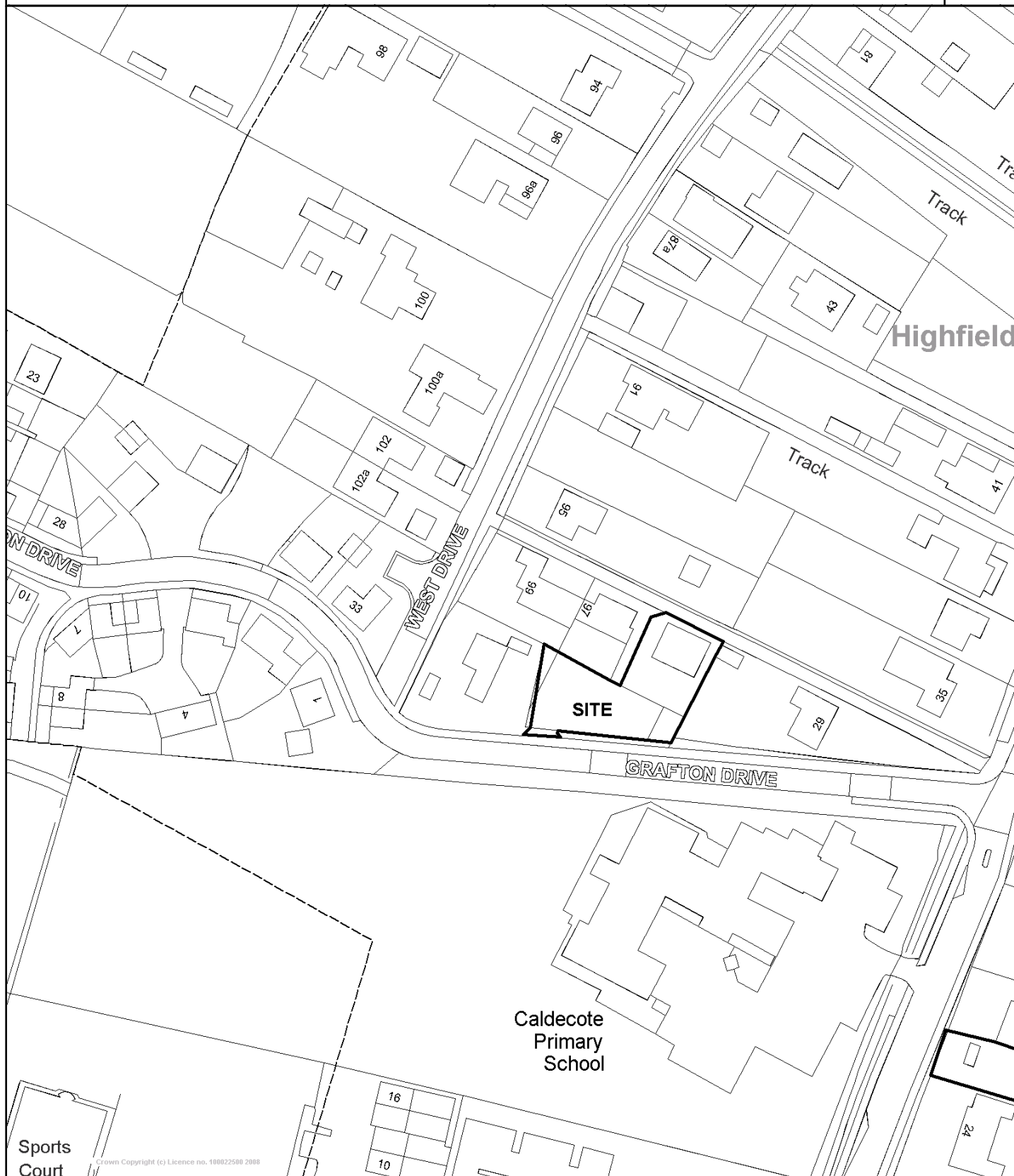
1. The site measures approximately 0.084 hectares and is within the village framework. It is located north of the playing fields of Caldecote Primary School. To the west is 101 West Drive. The northern boundary is defined by 97-99 and 95 West Drive and the eastern boundary is shared with 29 Highfields Road.
2. The application, validated on 12th November 2009, is for outline planning permission for two dwellings with all matters reserved. The plans submitted are indicative.
3. The indicative plans suggest that Unit 1 (4 bedrooms) will measure 15 metres x 8.5 metres, with a maximum height of 6.3 metres (eaves height 2.8 metres). The converted garage into Unit 2 (two bedrooms) will measure 11.2 metres x 9.1 metres, with a height of 4.6 metres (eaves height 2.4 metres).

Planning History

Relevant Site History

4. **S/0911/76/F** – The proposed erection of a bungalow and garage (No.97-99) was approved.
5. **S/1790/01/O** – The proposed erection of a bungalow on site was refused on the grounds that it would result in a cramped form of development sandwiched between the rear gardens of 29 Highfields and 101 West Drive. It would also result in an overbearing structure and would lead to a loss of light to 97 and 101 West Drive.

S-1583-09-F



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Scale 1/1250 Date 15/12/2009

Centre = 535009 E 258614 N

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6. **S/2283/01/O** – The proposed erection of a bungalow was refused on the site for the following grounds:
 - (a) It would result in a cramped form of development sandwiched between the rear gardens of 29 Highfields and 101 West Drive.
 - (b) The surrounding area is characterised by single storey dwellings set within spacious plots.
 - (c) The subdivision of 101 West Drive would result in overdevelopment of the site and be out of keeping with the character of the area.
 - (d) The application was appealed and dismissed by the Inspectorate.
7. **S/1028/09/O** – The proposed erection of two chalet style dwellings and conversion of double garage to dwelling was withdrawn.

Relevant Nearby Site History

8. **S/0460/02/F** – The erection of 33 dwellings on the Grafton Pig Farm was approved. The dwellings approved under this application at the end of West Drive and opposite 101 West Drive were large two storey dwellings.
9. **S/0586/09/F** – The proposed erection of a dwelling following the demolition of the existing dwelling. The proposed development was for a two storey dwelling with two bedrooms to be placed on half of the plot. This permission has yet to be implemented.
10. **S/0608/09/O** – The proposed development for outline permission (all matters reserved) for the erection of one dwelling following demolition of existing bungalow. The proposed outline permission for a four bedroom dwelling with a height of 8.5 metres was approved. The reserved matters for this application have yet to be submitted.

Planning Policy

11. South Cambridgeshire Local Development Framework (LDF) Core Strategy Development Plan Document, adopted January 2007:

ST/6 – Group Villages

12. South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007:

DP/1 – Sustainable Development

DP/2 – Design of New Development

DP/3 – Development Criteria

HG/1 – Housing Density

HG/2 – Housing Mix

HG/3 – Affordable Housing

SF/10 - Outdoor Playspace, Informal Open Space and New Developments

SF/11 – Open Space Standards

TR/2 – Car and Cycle Parking Standards

Consultation

13. **Caldecote Parish Council** – The Parish council recommends refusal. It states that Unit 1 was refused for a house in the past when it was part of 101 West Drive

(S/2283/01/O and S/1790/01/O). The junction of the driveway emerging on Highfields Road is already dangerous, it is too close to Grafton Drive and should not be allowed increased use. It further stated that Unit 2 was constructed as permitted development and does not have planning permission. Its final reason for refusal is that it is overdevelopment of the site. The Parish request that if the Local Planning Authority wish to approve the application that overlooking might be a problem and that conditions should be applied during the build which will be confirmed if a full application is made.

14. **Local Highways Authority** – It recommends several conditions are added in the interests of highway safety, as well as requesting a change to the parking layout of Unit 2 and an informative making the applicant aware that it is an offence to carry out works within the public highway.

Representations

15. **95 West Drive** – The occupier makes the following points:
- (a) The garage to be converted did not gain planning permission being permitted development.
 - (b) The road access to this dwelling is from Grafton Drive, there is currently a paved area between the proposed dwelling and 97 West Drive. There is concern that the proposed converted garage will use the private drive. States a physical barrier might be required in order to prevent the private driveway being used. States that the private drive exists onto the public highway is hazardous for vehicles, as well pedestrians and cyclists.
 - (c) Points out that there may be a lack of privacy between the converted garage and No.97.
 - (d) Is concerned that No.97/99 may not be able to turn on site without great difficulty.
 - (e) States that application says that the rainwater from the site will be harvested and reused. The occupier also states that the block paving around the garage causes water to drain either onto their land or down the drive towards Highfields Road.
 - (f) Points out that that the driveway from the garage conversion has two parking spaces but one behind the other. This will cause a nuisance to the future occupier of the converted garage and will encourage on street parking.
 - (g) Is concerned, due to there being no grass verge on Grafton Drive, that there could be a hazard to the users of the path.

Planning Comments

16. The main planning considerations for this development are the principle of the development, impact upon highway safety, whether it preserves or enhances the character of the area, and impact upon residential amenity
17. ***The principle of the development*** – The site is located within the village framework of Caldecote, a village defined in the Core Strategy as a Group Village. This allows for residential schemes of up to 8 dwellings. The development is therefore considered to comply with Policy ST/6 in the Core Strategy.

18. The proposed density of two dwellings on a site has a density of 24 dwellings per hectare. The Local Planning Authority usually requires a higher density. However, the site due to its irregular shape and with the applicant already showing that three dwellings on the site would not be acceptable, the proposed density is considered to be appropriate in this case. The development is considered to comply with Policy HG/1.
19. The applicant has agreed to provide a scheme of affordable housing but due to the size of the development this may be commuted sum rather than one of the proposed dwellings being an affordable dwelling. It is considered that the proposed development complies with Policy HG/3.
20. The creation of new dwellings is considered to put significant pressure on local play space and informal open space. The applicant has agreed to provide a scheme for outdoor play space and informal open space. This scheme would likely take the form of a financial contribution of £6,500 for the erection of a two bedroom dwelling and four bedroom dwelling. The proposed development is considered to comply with Policies SF/10 and SF/11.
21. Previous applications for dwellings on this site were refused in 2001 and upheld by an Inspector. However, the character of the area has significantly changed in the previous 8 years. The local area in 2001 was significantly more rural in appearance. The road that is now Grafton Drive had the appearance of a country lane leading to the pig farm is now more urban in appearance leading to the new housing estate of 33 dwellings. It is considered that the change in character of the area and the policy requirement for higher densities, in principle, overcomes the previous reasons for refusal.
22. It is considered that the proposed development is acceptable in principle.
23. ***Impact upon highway safety*** – The issue of highway safety has been raised by both the Parish Council and occupier of 95 West Drive. It should be noted that while access would form part of the Reserved Matters application, a strong indication has been shown on the submitted plans. The proposed driveways exit onto Grafton Drive not Highfields Road as indicated by the Parish Council. The Local Highways Authority has accepted the new driveways off Grafton Drive, if appropriately conditioned. It is understood why the neighbour is concerned that the possible future occupier of Unit 2 will use the private driveway and use the side path; while little weight is put on this concern as the parking area is shown at the front of the property a boundary condition is likely to be placed if the application is approved. This boundary condition should help prioritise what is the main access to the dwelling and discourage occupiers of Unit 2 from using the private driveway. The use of this private driveway, as the application is currently not shown as using the driveway for vehicular access, is more of a civil matter than a planning matter. The neighbour's concern of how the property of No.97-99 will park and manoeuvre is not part of the application site but is considered to be important in order to prevent on-street parking, an informative will be placed upon any permission requesting where cars will park on the existing property due to the loss of the garage. The proposed parking provision for the two dwellings is four spaces; this exceeds the requirement of 1.5 parking spaces per dwelling. The proposed parking provision for Unit 2 is considered to be impractical and should be revised in the reserved matters application, an informative can be added to state this.

24. With the application being outline with all matters reserved the conditions relating to the access will form part of any Reserved Matters consent.
25. ***Impact upon the character of the area*** – The proposed design is indicative only. The finished design will need to be agreed as part of the reserved matters application. Conditions will need to be added to control the finished appearance of the development this to include both the finished design and the proposed materials.
26. ***Impact upon residential amenity*** – The proposed one and a half storey dwelling (Unit 1) measures 6.3 metres in height is shown as approximately 2 metres from the new proposed boundary and 8 metres from the dwelling of 97-99 West Drive. The proposed development with the roof sloping away from No.97-99 means that the development is not considered to be overbearing.
27. The potential loss of light to No.97-99 is not considered to be significant at this stage, due to the indicative height of Unit 1 and the distance between the development and No.97-99. An informative will be added onto any permission in order to make the applicant aware that they will need to prove there is no significant light loss.
28. The proposed conversion of the garage to form Unit 2 is not considered to cause a significant loss of light or overbearing upon neighbouring properties.
29. There is some concern over loss of privacy from the proposed development as shown on the currently submitted plans. While no windows are shown the west elevation of Unit 1, future first floor windows could significantly reduce the amount of privacy 101 West Drive currently benefits from. This can be appropriately conditioned in order to prevent potential harm.
30. The windows, as shown on the rear elevation of Unit 1, could cause significant loss of privacy to No.97-99. A condition controlling boundary conditions would prevent any window to window relationship on the ground floor and an informative can be added to state that any proposed 1st floor windows will need to be obscurely glazed or 1.8 metres above finished floor level. It is also considered reasonable to remove permitted development (window) rights on the rear elevation to prevent future possible overlooking.
31. The proposed side windows in the west elevation of Unit 2 would look directly towards the windows of 97-99 West Drive. This loss of privacy could be overcome through the condition controlling boundary treatment.

Recommendation

32. Approve
1. Approval of the details of the layout of the site, the scale and appearance of buildings, the means of access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
(Reason - The application is in outline only.)

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
(Reason - The application is in outline only.)
3. The development hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason - The application is in outline only.)
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment [for each dwelling] shall be completed before that/the dwelling is occupied in accordance with the approved details and shall thereafter be retained.
(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
5. No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy DP/2 of the adopted Local Development Framework 2007.)
6. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:
 - i. The numbers, type and location on the site of the affordable housing provision to be made;
 - ii. The timing of the construction of the affordable housing;
 - iii. The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
 - iv. The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.
(Reason - To ensure the provision of an agreed mix of affordable housing in accordance with Policy HG/3 of the adopted Local Development Framework 2007.)
7. No development shall begin until details of a scheme for the provision of Outdoor Playspace and Informal Open Space to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 and SF/11 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

(Reason - To ensure that the development contributes towards Outdoor playspace and informal open space in accordance with the above-mentioned Policies SF/10, SF/11 and DP/4 of the adopted Local Development Framework 2007.)

8. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.
(Reason – In the interests of Highway Safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
9. Any proposed vehicular access before it is first used where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
(Reason – In the interests of Highway Safety and to ensure satisfactory access on to the site in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. No part of any structure shall overhang or encroach under or upon the public highway and no gate/door shall open outwards over the public highway.
(Reason – In the interests of Highway Safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
11. Any proposed access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent highway, which is in the process of being adopted by Cambridgeshire County Council, in accordance with a scheme submitted to and in writing by the Local Planning Authority.
(Reason – To prevent surface water discharging to the highway in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
12. No unbound material shall be used in the surface finish of a driveway within 6 metres of the highway boundary of the site.
(Reason – To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
13. 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 in the west side and rear elevations of the Unit 1 at and above first floor level 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.)

Informatives

1. The reserved matters application will need to show two 2.0 x 2.0 metres visibility splays. The splays are to be included within the curtilage of each new car parking space that is to exist directly onto the proposed adopted public highway. One visibility splay is required on each side of any proposed access, measured to either side of the access, with a set-back of two metres from the highway boundary along each side of the access. This area shall need to be kept clear of all planting, fencing, wall and the like exceeding 0.6m high.
2. The parking as shown for Unit 2 would prevent the vehicles parked there being able to access the highway independently. It is advised that the proposed parking for Unit 2 is revised and made to mirror the parking arrangement of Unit 1.
3. The proposed new parking arrangement for 97-99 West Drive should be shown. This is in order to make sure that the proposed development does not have a detrimental impact upon highway safety and current parking provision of the existing dwelling.
4. This development will involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works with the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicants responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.
5. Public Utility apparatus may be affected by this proposal. Contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.
6. The reserved matters application should include a daylight/sunlight assessment to demonstrate the potential loss of light to neighbouring properties, including 97-99 West Drive.
7. The rear 1st floor windows in Unit 1 should be either obscurely glazed or above 1.8m above finished floor level in order to prevent loss of privacy to 97-99 West Drive.

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

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- Planning File Ref S/1583/09/O

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