

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO:	Planning Committee	7 th April 2010
AUTHOR/S:	Executive Director (Operational Services) / Corporate Manager (Planning and Sustainable Communities)	

S/1625/10/F - WILLINGHAM 5 Dwellings, Land to the West of 16 Green Street for Mr F Stannard

Recommendation: Delegated Approval

Date for Determination: 26th January 2010

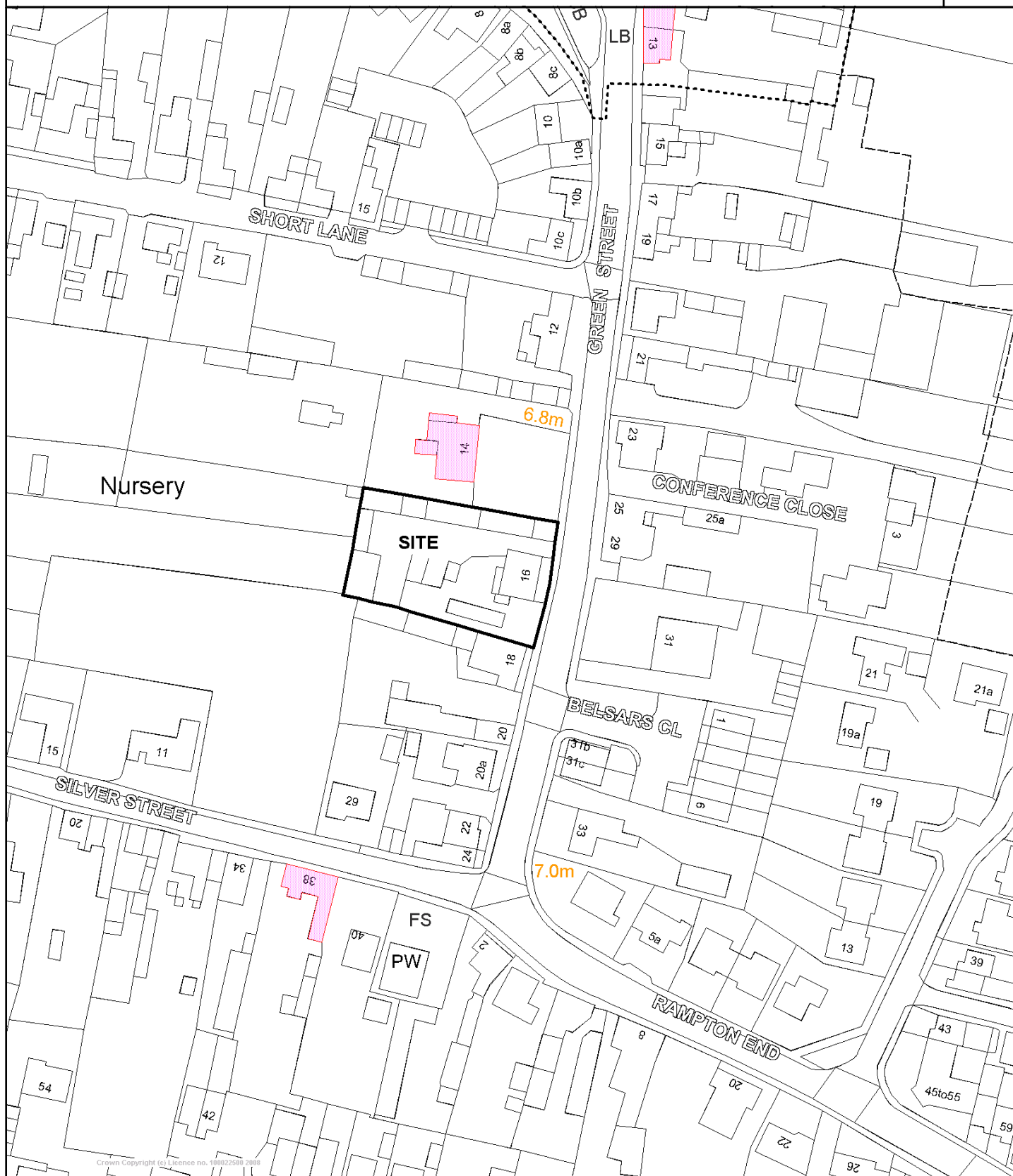
Notes:

This Application has been reported to the Planning Committee for determination because the Officers recommendation of delegated approval conflicts with the recommendation of refusal received from Willingham Parish Council.

Members will visit this site on Wednesday 7th April 2010

Site and Proposal

1. This full application, as amended by drawings received on 25 February 2010, proposes the erection of 5 dwellings on a 0.128ha area of land at the rear of 16 Green Street, Willingham.
2. No 16 is a detached house fronting Green Street, which has a small rear garden to the rear and side to the south. To the north of the house is an access which leads to a yard containing a number of barns, sheds and outbuildings. A single storey wing of one of these outbuildings extends along the northern boundary of the site to the Green Street frontage. This part of the site has previously been in commercial use, including use as a depot for picked flowers and a coalyard, though the site is currently vacant and unused.
3. The proposed development comprises a 1 x one-bedroom, 1 x two-bedroom, 2 x three bedroom and 1 x four bedroom unit. The one bedroom unit and one of the three bedroom units are to be provided as affordable dwellings. The proposed terrace of units at the rear of the site has a ridgeline of varying heights with a two and half storey unit being the tallest at 8m. Four of the units are provided with a 7m deep rear gardens. The one bedroom unit has a small garden at the front.
4. The proposal dated 29th October 2009 is to demolish the existing buildings on the site, with the exception of the existing house, and build a terrace of new houses across the rear part of the site in a row which runs north to south, and incorporating a wing along the northern boundary, which will now finish 16 back from the Green Street frontage. The height of the rear section of the building on the north boundary of the site is to be increased by 0.75m to 5.3m, to allow for accommodation at first floor.
5. Access will be to the north of the site, and is achieved with the removal of the front section of the existing single storey building on the northern boundary of the site. Visibility splays of 2.4m x 43m are provided either side of the access. A total of seven car parking spaces are provided within the site for the proposed dwellings.



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Scale 1/1250 Date 23/3/2010

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To the north the site abuts No14 Green Street, a Grade II listed building and its garden area. To the south the site abuts No18 Green Street, and to the rear the long rear gardens of properties in Long Lane.

6. The application is accompanied by a Design and Access Statement, a Daylight Study Model, and an Environmental Desk Study.

Planning History

7. **S/0113/07/F** – Erection of 4 Dwellings and Revised Access Arrangements – Withdrawn – 14 March 2007
8. **S/1817/07/F** – Detached Dwelling and New Access – Approved with Conditions – 16 November 2007

Planning Policy

9. **East of England Plan 2008:**
SS1 - Achieving Sustainable Development
H2 - Affordable Housing
ENV6 - The Historic Environment
ENV7 - Quality in the Built Environment
10. **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007**

Policy ST/5 – Minor Rural Centres

11. **South Cambridgeshire Local Development Framework Development Control Policies adopted July 2007**

DP/1 – Sustainable Development

DP/2 – Design of New Development

DP/3 – Development Criteria

DP/4 – Infrastructure and New Developments

DP/7 – Development Frameworks

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

NE/1 – Energy Efficiency

NE/6 - Biodiversity

CH/4 – Development within the Curtilage or Setting of a Listed Building

TR/2 – Car and Cycle Parking Standards

Open Space in New Developments SPD – adopted January 2009

Biodiversity SPD – adopted July 2009

Listed Buildings SPD – adopted July 2009

District Design Guide SPD – adopted March 2010

Affordable Housing SPD – adopted March 2010

Consultation

12. **Willingham Parish Council** - Recommends refusal 'on the grounds of the previous refusal of the outline application. There is concern of access, lack of parking and the letter that South Cambridgeshire District Council received from a parishioner stating various valid reasons. (A copy of this letter has also been received in the Parish Council Office.)'
13. The **Local Highway Authority** - Has no objection but confirms that it would not wish to adopt the proposed development. It requests that conditions be included in any consent. These include prohibiting gates across the approved access, ensuring the provision and maintenance of parking and turning facilities within the site, securing the provision of visibility splays, requiring the works to the footpath to be carried out prior to occupation of any of the dwellings, and to ensure that the access is constructed so as to prevent surface water run-off onto the adjacent public highway.
14. The **Conservation Manager** - Comments that the proposals broadly follow previous discussions, which followed the withdrawal of the 2007 application. In previous discussion, due to the proximity of the development along the boundary with No14, it was considered important to limit any development along the boundary to single storey and only to locate any two-storey element beyond this point to avoid competition with the listed building and to retain or reproduce the nineteenth century single storey outbuilding following this boundary.
15. In the current scheme, although the building along the boundary is single storey and one and a half storey, with the higher building beyond, the higher building is significantly bulkier than before at the junction with the single storey range. This bulkier form comprises a large single storey dormer which is top-heavy and would be prominent in views through the access and therefore in conjunction with the listed building in the streetscene. It would also be overbearing within parts of the garden of the listed building.
16. Further concerns relate to the treatment of the frontage adjacent to the listed building, where there is a linear structure and a curved wall/structure indicated in outline. They are shown differently on the floor plan and site plan, and not in elevation, and neither is described or annotated in the application.
17. The amendments and uncertainty regarding the relationship of the proposed building with the listed building would be harmful to the interests of the listed building and refusal is recommended due to the bulk, complexity, design and overbearing impact of the proposal, contrary to Policy CH/4.
18. It may be possible to revise the scheme to omit or move the dormer window and to clarify and redesign or omit the structures on the street frontage in order to revert closer to the scheme previously found acceptable.
19. The **Corporate Manager (Health and Environmental Services)** has considered the implications of the proposal, and in particular the Environmental Desk Study submitted with the application. The site was a former coal yard and the report identifies a potential for contamination. It is therefore recommended that a condition is attached to any consent requiring the carrying out of a detailed scheme for the investigation and recording of contamination.
20. The **Housing Development and Enabling Manager** confirms that there are two affordable units provided which complies with the 40% contribution required by Policy

HG/3. The house types provided, a 1 bed flat and 3 bed house, are acceptable. More detail should be provided concerning the design and size of the units along, with confirmation whether or not they will meet Code for Sustainable Homes Level 3 and the Homes and Communities Agency Design and Quality Standards.

21. **Cambridgeshire County Council (Education)** requests that a contribution is sought for primary education, as the proposed development is expected to generate 1.25 primary aged children and there is no spare capacity at the local school. A contribution of £10,500 is sought.
22. The comments of the **Ecology Officer** will be reported at the meeting.

Representations

The occupiers of **14 Green Street** object to the application.

23. The proposed density appears unacceptably high and out of keeping with the character of the area. Nos 18, 14 and 12 Green Street are all single dwellings on plots of similar or greater size than the application site. Recent development in Green Street (Conference Close) is on a considerably larger site, yet contains only 6 dwellings. Another development at 22 Green Street contains only one new dwelling and an extension to the existing dwelling. This application site already has permission for one dwelling, in addition to the existing house on the site. 8 houses were built at Belsars Close a number of years ago, however it would be surprising if this were now considered a suitable benchmark for a reasonable level of density.
24. The impact of the proposed development will be overbearing on No14, which is of particular concern given that the property is listed. The proposed dwellings will be closer than any existing property and at least two will be right up against the boundary. There is a significant heightening of the ridgeline of the existing outbuilding on the site to a height level with the gutters of No14. The ridgeline will be stepped back but that appears slight in comparison with the height increase. In addition the gable end of the proposed terrace will extend above that. All these will loom over the conservatory and patio area of No14 and be visible from these and a bedroom and bathroom. Photographs are provided with the letter to illustrate the impact. It is also anticipated that there will be an impact on light to the conservatory in particular when the sun appears only a little above the present ridgeline.
25. The proposed development is likely to have a significantly adverse impact on the amenity. The proximity of the proposed development, which will have bedroom and landing windows opening out in the northern elevation at the same level as first floor windows of No14 means that it is likely that noise emanating from the proposed development will have a significantly adverse impact on the amenity of No14. These windows will also significantly impact on privacy, enabling occupiers of the proposed dwelling to look into parts of the house and garden of No14, as well being intrusive. The bedroom and bathroom windows of No14 are clear glazed as the property is listed and could therefore look down into the proposed dwelling. A condition on the earlier consent for a single dwelling to the rear of No16 stipulated that there should be no windows, doors or openings in the north elevation, with the reason given being to protect privacy.
26. Suitability of access. A report accompanying the 2007 application concluded 'it is not possible to achieve a workable site access route which meets the requirements for multiple dwelling units'. There is no reason why a completely different conclusion should now be reached, particularly as a greater number of vehicles are now

anticipated. The 2007 application for an additional 4 units was withdrawn because the Highway Authority objected to the access arrangements, then to the south of No16. It is believed that access in the position shown on the current application was not viable as the Beech tree rendered visibility inadequate and this appears implicit in the Design and Access Statement submitted with the 2007 application for a single dwelling. This document explored a number of access options, including improving the existing access road by demolishing the outbuilding at the access corner, but concluded none could be made to work and therefore an access to serve multiple units was not possible.

A full tree survey has not been submitted with the application.

27. The proposed development may lack the legal rights to proceed, although it is recognised that this is not strictly a planning matter. It is questionable whether the necessary rights exist for the construction and retention of works that may be required e.g. for gutters/drainpipes or other services and structures to overhang the boundary with No14, or the necessary foundations or services to be constructed underneath it. The relevant provisions of The Party Walls Act 1996 will need to be observed.
28. The occupier of **18 Green Street** is concerned that the boundary line of his property consists of outbuildings, a garage and old farm buildings, all of which are used. There does not appear to be any space between the new houses and these buildings, which is concerning as the right has previously existed to maintain the buildings and this will be lost. If this is the case there would be long term ramifications for the structures and their upkeep. Very strong concerns are also expressed about the height of the house on Plot 3, which appears to be a 3-storey building, which will put privacy at risk. It is felt that in such a small space the roof line of all 5 dwellings should be at the same level.
29. The occupiers of **23 Long Lane** comment that the OS maps for the area do not correctly show the garden of that property and incorrectly designate the rear of the garden as Nursery, whereas the garden extends right to the border of the land with No16 Green Street. An objection is raised as Plot 3 has a rear second floor window which would significantly reduce privacy of the entire rear garden of 23 Long Lane and would have a view right into the conservatory and lounge. This window should be removed. There are also concerns related to the Environmental Desk Study which identifies potential pollutants. The east side of the garden of 23 Long Lane has a number of fruit trees and shrubs, the berries from some of which are eaten. It is pointed out that any failure to deal with any potential pollutants identified and the subsequent siting of two soakaways adjacent to this area could potentially lead to pollutants entering the human food chain.

Planning Comments – Key Issues

30. The key issues to be considered in the determination of this application are: density and housing mix, affordable housing, access and parking, impact on setting of adjacent listed building, impact on street scene, neighbour amenity, open space provision, contamination and, education provision.

Density and Housing Mix

31. The application site has an area of 0.128ha. The erection of 5 dwellings on the site equates to a density of 39 dwellings per hectare which marginally below supported by Policy HG/1. Given that the site is in the centre of the village of Willingham, a village

that has a reasonable service base, it is considered that this density can be supported in principle provided the scheme complies with other policies of the development plan.

32. The mix of market housing within the site is one 2-bedroom unit, one 3-bedroom unit, and a 4-bedroom unit. Policy HG/2 requires developments of less than 10 dwellings to provide at least 40% of the development as 1 or 2 bedroom units and then approximately 25% each for 3 and 4 bedroom units. Given that there are only three market houses being provided here, along with two affordable dwellings, it is considered that the proposed mix is acceptable.

Affordable Housing

33. The application proposes to provide two of the five dwelling proposed as affordable dwellings. The Housing Development and Enabling Manager has confirmed that the 40% provision complies with the requirements of Policy HG/3 but has asked for further details concerning design and size of the units and confirmation that they will conform to the required standards. The point has been raised with the applicant and any further information will be reported to the meeting.
34. A scheme for the provision of the affordable housing will need to be secured through a condition attached to any planning consent.

Access and Parking

35. Since the withdrawal of the earlier application for 4 dwellings on this site negotiations have taken place with the Local Highway Authority and traffic survey work undertaken. As a result it has been agreed that the location of the site satisfies the criteria in Manual for Streets whereby reduced visibility splays can be provided. The application demonstrates that by the removal of the front section of the existing building on the northern boundary of the site, the required visibility splays and width of access into the site can be achieved. The Local Highway Authority has confirmed this to be the case.
36. A total of seven car parking spaces have been provided to meet the requirements of the five new units proposed. The Councils maximum car parking standards would require the provision of 1.5 spaces per unit plus a visitors space (a total of 8/9 spaces) but given the mix of units, which includes a one-bedroom unit, I am of the view that the provision seven spaces only would not justify a refusal of the application.

Impact on the Setting of the Listed Building

37. The design of the scheme was the subject of pre-application discussion with a previous Conservation Officer and the current comments of the Conservation Team confirm that the application broadly follows the previous discussions. The concerns expressed regarding the higher section of the building along the northern boundary of the site, the size of the dormer window in the south facing elevation of that element of the building and the treatment of the site frontage have been put to the applicants' agent and any further revised plans will be reported to the meeting.
38. It is important that any scheme has the support of the Conservation Team to ensure that it does not have an adverse impact on the setting of the adjacent listed building at 14 Green Street, as required by Policy CH/4.

39. It will be important to ensure that a wall, the same height as that of the existing part of the outbuilding to be removed, is retained or rebuilt along the northern boundary of the site, as the building currently contributes to the setting of the listed building.
40. The approved scheme for a single dwelling sets a precedent for the principle of development at the rear of the site.

Impact on the Street Scene

41. Although the site is not in the Conservation Area the frontage, including the existing single storey outbuilding on the north boundary, does contribute to the character of this part of the village. It is considered unfortunate that the front section of this building has to be removed in order to allow a satisfactory access to be provided to the site, however this building is not statutorily protected and could be removed without the consent of the Local Planning Authority.

Impact on Neighbour Amenity

42. The amended drawings received remove two of the three rooflights proposed in the northern elevation of the building on the boundary with 14 Green Street. The remaining rooflight will serve a staircase and the drawings indicate that it will be fitted with obscure glass. It is considered that this should be a conservation style rooflight, which is what appears to be shown, and should be non-opening. This can be secured by condition. It is considered that the revised drawings satisfactorily address the concerns of the occupiers of 14 Green Street in respect of this part of the scheme and also improve the relationship of the scheme with the listed building. It should be noted that the approved scheme for a single dwelling on the site contained five rooflights in the north elevation of the existing building on this boundary, although at that time they were to provide additional light to ground floor accommodation.
43. Although it is proposed to increase the ridgeline of the rear section of the building on the north boundary of the site by 0.75m the ridgeline will be a similar distance further from the boundary with No14. Having stood in the garden of that property it is not considered that the increase in the height of that building will be overbearing either when viewed from the garden area or from within the Listed Building itself.
44. Although this increase in height will have some impact on the sunlight to the garden and conservatory of No14, as the site is too the south, it would not cause sufficient additional harm to warrant refusal of the application.
45. Although concern has been expressed about the overbearing impact of the north facing gable of the two storey element of the scheme when viewed from 14 Green Street this closest section of the two storey element of the scheme is now further away from the boundary with 14 Green Street, and lower in height than that approved as part of the scheme for the single dwelling on the site. Although the higher section of ridge is now 0.5m higher than the previously approved scheme, that section of the building is 7m from the boundary, compared to a distance of 2.5m in the approved scheme.
46. The concerns in respect of guttering and foundations have been raised with the applicants' agent and further drawing demonstrating how these matters will be addressed are awaited.
47. The occupiers of 23 Long Lane are concerned that the garden of that property is not correctly shown on the OS plans and having been to the site officers can confirm that

the private garden area of that property does extend to the rear boundary of the application site. The proposed dwellings will be 7m from the rear boundary of the site and therefore will afford some overlooking of the rear section of the garden of 23 Long Lane. However as the rear garden of 23 Long Lane has a depth of approximately 90m it is not considered that any overlooking of the very rear section of the garden or the house itself will cause a significant loss of amenity to the occupiers of that property. Additional tree planting can be carried out at the rear of the site.

48. The occupier of 18 Green Street has expressed concern about the proximity of the proposed building to the boundary of his property, with particular reference to the future maintenance difficulties this will present. This matter has been raised with the applicants' agent but it is noted that a similar situation existed in the approved scheme for a single dwelling on the site.
49. Having viewed the site from the garden of 18 Green Street it is not considered that the development will result in an unreasonable loss of amenity through overlooking or overbearing impact.

Public Open Space

50. It is accepted that due to the restricted size of the site that open space provision cannot met on site and therefore an off-site contribution is appropriate. Subject to confirmation that the applicant is prepared to make the contribution the matter can be dealt with by condition.

Contamination

51. Given the previous uses of the site the Councils Scientific Officer (Contaminated Land) has requested that a condition is attached to any consent requiring a detailed scheme to be submitted for the investigation and recording of any contamination, along with a scheme of mitigation if required. This work would need to be carried out prior to development taking place and is the standard way of dealing with such matters.

Education Contribution

52. Cambridgeshire County Council has identified a shortfall in provision in the primary education facilities in the village and has requested a contribution from the applicant to secure the improvement of these facilities as a result of the identified needs to the application. Subject to confirmation that the applicant is prepared to make the contribution the matter can be dealt with by condition.

Other Matters

53. In line with Council policy a contribution will be sought to the provision of waste bins and community facilities. Subject to confirmation that the applicant is prepared to make the contribution the matter can be dealt with by condition.
54. The comments of the Ecology Officer will be reported at the meeting.
55. Details of a scheme for surface water drainage of the site can be secured by condition.

Recommendation

56. That subject to the receipt of satisfactory amended plans addressing the concerns of the Conservation Manager and confirmation that the applicants prepared to meet the contributions identified above that delegated powers of approval are given

Conditions (to include)

1. 3 year time limit
2. Details of materials
3. Landscaping scheme
4. Surface water drainage scheme
5. Hours of working during construction
6. Contamination assessment/remediation
7. Highway Authority requirements
8. Provision/maintenance of car parking spaces
9. Control over further openings in north and south elevations
10. Scheme for provision of affordable housing, public open space, education and other contribution as required by Policy DP/4
11. Obscure glazing of rooflight in north elevation, and use of conservation style rooflight

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 Development Control Policies (adopted July 2007)
- Supplementary Planning documents
- Planning File Refs: S/1625/09/F, S/1817/07/F and S/0113/07/F

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