

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3<sup>rd</sup> March 2010

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

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### **S/1919/09/F - OVER**

**Dwelling with Integral Car Port and Pool Block, Following Demolition of Existing Outbuildings at Land to the South of 38 Mill Road, Over for Mr Ian Corney**

**Recommendation: Approval**

**Date for Determination: 16<sup>th</sup> February 2010**

**This Application has been reported to the Planning Committee for determination because the applicant is married to a Member of the Planning Committee.**

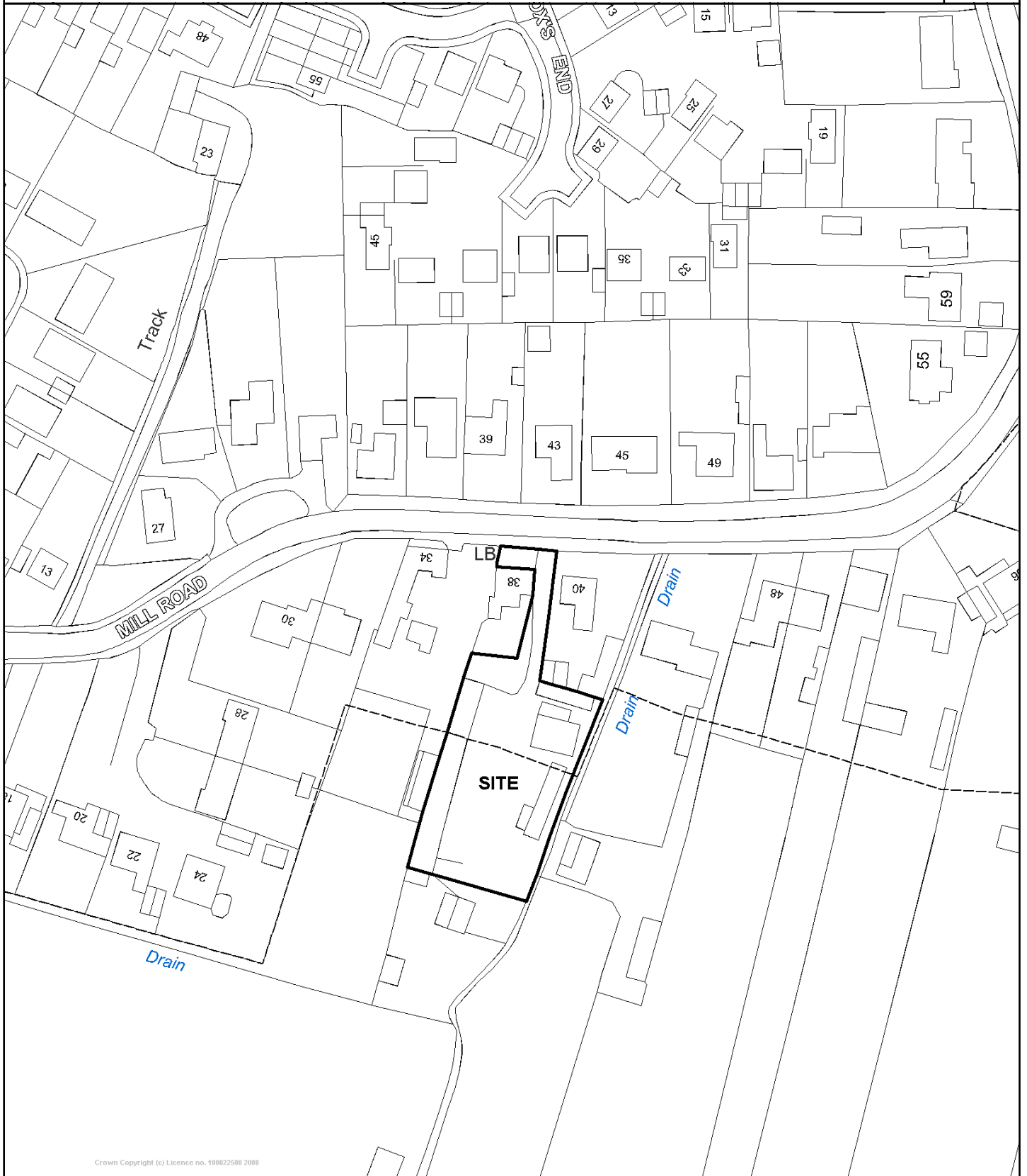
### **Site and Proposal**

1. The site is located to the south side of Over village, and is partially within and partially outside the defined village envelope. There is an existing access running between the properties of 38 and 40 Mill Road, leading to a number of outbuildings that stretch out beyond the village envelope. These have been used in the past for storage use. An Awarded Drain runs along the east boundary of the site.
2. The full application, validated on 22nd December 2009, seeks permission for a dwelling on the plot. This would be located to the centre of the plot. It would measure approximately 6.9m at its highest, and would have a long span across the front of the site. There is a long single storey extension to the rear. This, and the end of the dining room, would extend beyond the village envelope, although the latter only by a maximum of 2m. Parking would be to the front of the property, and the scheme includes an integral carport. The proposal also includes a new parking area to 38 Mill Road, and would cause a reduction to the rear garden space to 38 Mill Road.
3. The plot has a long garden, that continues into the field beyond. The proposed residential curtilage is defined by the red line of the application. To the east is a line of tall conifer trees, beyond which is paddock land. To the west is the rear garden of 34 Mill Road, with a further paddock beyond. There are two stable blocks close to the boundary.
4. The application is accompanied by a Design and Access Statement and an Environmental Desk Study.

### **Planning History**

5. Approval for granted for outline planning permissions under applications **S/2248/07/O** and **S/0796/08/O** for a single dwelling on the plot. Details of reserved matters were approved through application **S/0316/09/RM**, although the red line was reduced the eastern section of the site.

S-1919-09-F



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Centre = 537970 E 270057 N

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6. An outline application for two dwellings on the site (**S/0409/07/O**) was refused on grounds that the dwellings would be located outside of the village envelope. A further outline application for two dwellings (**S/1844/07/O**) was withdrawn.

### **Planning Policy**

7. Over is defined as a Group Village under **Policy ST/6 of the Local Development Framework Core Strategy**, adopted January 2007.
8. The relevant policies within the **Local Development Framework Development Control Policies 2007** are **DP/1** - Sustainable Development, **DP/2** - Design of New Development, **DP/3** – Development Criteria, **DP/4** – Infrastructure and New Development, **DP/7** – Development Frameworks, **HG/1** – Housing Density, **SF/10** – Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** – Open Space Standards, **NE/6** – Biodiversity, **NE/11** – Flood Risk, **NE/15** – Noise Pollution & **TR/2** – Car and Cycle Parking Standards.

### **Consultation**

9. **Over Parish Council** recommend refusal of the scheme. They note it would represent an overdevelopment of the site and the proposed materials would be out of keeping with the surrounding buildings. They add it would encroach over the existing building line, and that there is also an implication on drainage in this location.
10. The **Local Highways Authority** recommend conditions relating to the prevention of gates at the site, the layout of the access, the front boundary at no. 38 Mill Road, temporary facilities for construction traffic and dimensions for parking areas. Informatives are also recommended regarding works to the public highway and public utilities.
11. The **Landscape Officer** has no objections to the proposal but would wish to see a landscape condition imposed.
12. The Council's **Scientific Officer (Contaminated Land)** has reviewed the Environmental Desk Study submitted with the application, and is not in agreement with its conclusions that no site investigation is necessary given the proposed use. An investigation and remediation condition is recommended.
13. The Council's **Drainage Manager** has no serious concerns given the proximity of the Awarded Drain along the east boundary of the site. However, a standard surface water drainage condition is recommended.

### **Representations**

14. No further representations have been received.

### **Planning Comments – Key Issues**

15. The key issues for the consideration of this application are the density of development, impact upon the street scene and the surrounding countryside, impact upon the amenity of the occupiers of adjacent properties, land contamination, drainage, the provision of open space and highway safety.

### ***The Density of Development***

16. The site, excluding the access, has an area of approximately 0.16 hectares, although only 0.06 hectares of this are within the village framework. Policy HG/1 of the Local Development Framework Development Control Policies 2007 seeks densities for residential development to achieve at least 30 dwellings per hectare. The proposal achieves 17 dwellings per hectare within the village framework, below that expected by the policy.
17. The granted outline consents on the site allow for a single dwelling only. Significant weight should be given to the extant reserved matters application, which would provide only one dwelling on the site. Notwithstanding this issue, there are concerns regarding the access and its ability to serve two dwellings. The access is only 3m wide and would not allow vehicles to pass. Widening the access at the front would potentially cause harm to the occupiers of both 38 and 40 Mill Road. I am content that the local circumstances allow for a lower density on the plot.

### ***Impact Upon the Street Scene and the Surrounding Countryside***

18. The dwelling is located across the centre of the plot. Its design is the result of pre-application discussions, and has been scaled down given previous concerns regarding the bulk of the proposal. The dwelling at 38 Mill Road is a chalet bungalow, with accommodation in the roof space, whilst 40 Mill Road is a bungalow, although its height is similar to that of no. 38. The proposed dwelling has a height of approximately 6.9m, and would be taller than those frontage dwellings.
19. The frontage dwellings are set close to the road, and the proposed dwelling would be located 39m from Mill Road. It would therefore not appear to be significantly taller when viewed from Mill Road given its distance into the plot. It should also be noted that 34 Mill Road is a two-storey property with a two-storey rear extension and a number of trees along the boundary. This would screen views of the property when viewed between 32, 34 and 38 Mill Road. Views between 40 and 44 Mill Road would be opened up by the removal of the outbuildings. However, 40 Mill Road is again a two-storey property and the dwelling would sit comfortable behind this building. I do not consider the dwelling would cause serious harm to the street scene.
20. I note concerns from the Parish Council regarding the proposed materials. The applicant has stated that the building would be finished in white render and cedar boarding on a brick plinth, with a zinc roof. The side elevation to 38 Mill Road is cream rendered meaning the materials are not completely alien to the area. The use of cedar boarding, particularly to the front elevation, should relate the dwelling to the edge of village location. I do not consider the proposed materials would be a concern, although a condition would be required to ensure appropriate materials are used, particularly the brickwork.

### ***Impact Upon the Amenity of the Occupiers of Adjacent Properties***

21. The existing access runs between both 38 and 40 Mill Road. No. 38 has facing windows facing the access, whilst 40 Mill Road has a glazed utility area, both of which are set close to the access. The access has been previously used for parking for no. 38 (at the rear of the site) and for the storage business. A single dwelling would result in fewer journeys to the access than previously, benefiting the occupiers of these adjacent dwellings. Members should note the proximity of adjacent dwellings to the access was considered acceptable in the previously approved consents for a dwelling on the site.

22. The front elevation would be located approximately 9m from the rear garden of 38 Mill Road. Bedroom 3 faces forward and is shown to have a high level window. This should be conditioned to ensure no overlooking towards 38 Mill Road. A further condition would be required to prevent further windows in the first floor of the front elevation that may overlook either 38 or 40 Mill Road. I do not consider the proposal would cause any loss of amenity to the occupiers of either 38 or 40 Mill Road.
23. The dwelling would be located between 5m and 5.8m from the side boundary with 34 Mill Road. This dwelling is set close to the frontage but has a range of outbuildings to its rear. The proposed boundary between the two sites is shown as a 2.8m high wall to be reinstated following removal of the existing outbuilding. There are three proposed windows in the facing elevation, all of which can be obscure glazed to prevent any overlooking. The proposal would be visible from the rear garden of 34 Mill Road, but I do not consider any serious harm would result to the occupiers of this property.
24. The two-storey element of the proposed dwelling would be located 9m from the eastern boundary of the site. There are three proposed windows in this side elevation, two of which are shown to serve bedrooms. The windows serving bedroom 2 will be obscured by the roof of the pool block and would not be visible from the rear garden and paddock of 44 Mill Road. The window serving bedroom 4 would allow some views towards 44. However, the conifer hedge would screen the window. If the hedge were removed, then some views towards to the rear garden of 44 Mill Road would occur, but there would be no overlooking towards the private rear area given the distance involved. I do not consider the proposal would cause any serious harm to the occupiers of 44 Mill Road.
25. The proposed pool block is set 0.4m from the eastern boundary of the site. There is a row of 5m tall conifers on the other side of the bank of the adjacent drain, giving good screening of this block. The pool block has an eaves height of 2.9m, and is therefore low in this area. The adjacent land is the paddock to 44 Mill Road. As a whole, I do not consider the proposal would have any serious impact upon the occupiers of 40 Mill Road.

### ***Land Contamination***

26. An Environmental Desk Study was submitted along with the application. I note the comments from the Scientific Officer regarding the conclusions of the study. A land contamination investigation and remediation condition can be added to the consent to allow further talks between parties on any potential land contaminants.

### ***Drainage***

27. I note the comments from the Parish Council that the site may have an implication for drainage in the area. The site lies within Flood Zone 1 and as a result, no Flood Risk Assessment is required as part of the application. The applicant has stated methods for foul and surface water to be used. I note comments from the Council's Drainage Manager, particularly regarding surface water drainage and the proximity to the adjacent Awarded Drain. The relevant surface water drainage condition could be added to any approval.

### ***Provision of Open Space***

28. Policy SF/10 of the Local Development Framework Development Control Policies 2007 seeks all residential developments to contribute towards outdoor playing space

and informal open space to meet the additional need generated by the development. I note the applicant's letter dated 11<sup>th</sup> February 2010 stating they are willing to make a contribution to the agreed figure, and a condition can be added accordingly.

### ***Highway Safety***

29. Previous applications have established the use of the access to serve a backland plot. I note the comments from the Local Highways Authority regarding the access. It recommends a condition preventing gates to be erected. The site plan shows gates located 28m along the access. I do not consider that these gates in this location would cause any harm to the highway as vehicles would be clear of Mill Road when stopping to open the gates. A condition could prevent further gates to ensure the highway would not be blocked as people step out of vehicles to open the gates.
30. The plan shows the frontage to 38 Mill Road to be reduced to 0.6m in height to allow visibility. This can be conditioned, and the wall sits within the red line of the application site. Parking and turning areas can be provided prior to occupation, to ensure that vehicles do not reverse along the access. A condition can also ensure that temporary facilities for construction vehicles can be provided.

### ***Other Matters***

31. I note the concerns from the Parish Council regarding the proposal, particularly regarding the encroachment over the building line. I presume this means the village framework, which does not follow any physical line on site. There has been debate as to the exact location of this line, and I have no reason to doubt the line shown on the amended plan. The original plan had much more development outside the framework, but a single storey element has been removed. Whilst it is appreciated there still remains some footprint outside the framework, this is offset by the removal of outbuildings at the rear. The result of this is less built development in the countryside than existing. Any further comments raised by the Parish Council regarding the amended plans will be reported verbally at Planning Committee.
32. Given the proximity of the village framework, I recommend the removal of permitted development rights for further extensions and outbuildings, which would prevent development that would not usually require planning permission from further extending into the countryside.

### **Recommendation**

33. The proposal is recommended for approval (as amended by plans PL-01 Rev A, PL-02 Rev A and PL-03 Rev A date stamped 8<sup>th</sup> February 2010), subject to conditions.

### **Conditions**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, and plans PL-01 Rev A, PL-02 Rev A and PL-03 Rev A date stamped 8th February 2010.

(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

3. 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.)
4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
6. 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 shall be completed before 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.)
7. Prior to the commencement of any development, a scheme for the provision and implementation of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.  
(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies DP/1 and NE/11 of the adopted Local Development Framework 2007.)

8. During the period of construction, no power operated machinery shall be operated on the site before 0800 hours and after 1800 hours on weekdays and 1300 hours on Saturdays, nor at any time on Sundays and Bank Holidays, unless otherwise previously agreed in writing with the Local Planning Authority.  
(Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
9. Apart from any top hung vent, the proposed first floor windows in the west (side elevation) of the dwelling, hereby permitted, shall be fitted and permanently glazed with obscure glass.  
(Reason - To prevent overlooking of the adjoining property in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
10. 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 north, east and west elevations of the dwelling 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.)
11. The high level window in the north (front) elevation serving bedroom 3 shall be constructed with a sill height a minimum 1.7m above finished floor level.  
(Reason - To prevent overlooking of the adjoining property in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
12. No development shall begin until details of a scheme for the provision of outdoor playing space and informal open space infrastructure to meet the needs of the development in accordance with adopted Local Development Framework Policy SF/10 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 the provision of outdoor playing space and informal open space in accordance with the above-mentioned Policy SF/10 and Policy DP/4 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 development within Classes A and E of Part 1 of Schedule 2 of the Order shall take place unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.  
(Reason – To ensure that development that would not normally does not require planning permission does not cause further encroachment into the countryside in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)
14. The proposed off-street parking space for 38 Mill Road, as shown on approved plan PL-01 Rev A date stamped 8th February 2010, shall be



constructed and laid out on site prior to the construction of the approved dwelling, and thereafter retained as a parking space for this frontage property. (Reason – To ensure adequate off-street parking on site for the occupiers of 38 Mill Road, in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)

15. Other than those shown on approved site plan PL-01 Rev A, no further 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.)
16. The front boundary of 38 Mill Road shall be reduced to and maintained at a height not exceeding 0.6m above the level of the highway carriageway. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
17. The proposed turning and parking areas shall be provided before the dwelling hereby permitted is occupied and thereafter retained as such. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
18. Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. (Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
19. No development approved by this permission shall be commenced until:
  - a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
  - b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
  - c) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
  - d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.(Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DP/1 of the adopted Local Development Framework 2007).

## **Informatives**

The scheme involves work to the public highway that will require the approval of the County Council as Highways Authority. It is an offence to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. 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.

Public Utility apparatus may be affected by this proposal. Please contact the appropriate utility service to reach agreement on any necessary alterations, the cost of which must be borne by the applicant.

**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 2007 (adopted July 2007)
- Planning Files Ref: S/1919/09/F, S0316/09/RM, S/0796/08/O, S/2248/07/O, S/1844/07/O and S/0409/07/O

**Contact Officer:** Paul Derry - Senior Planning Officer  
Telephone: (01954) 713159