

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 12th May 2010
AUTHOR/S: Executive Director (Operational Services)/
Corporate Manager (Planning and New Communities)

S/0454/10/F – OVER
Two Dwellings at Land to the North East of 27 and 29 West Street
for T. Mendham Buildings Ltd

Recommendation: Delegated power to approve or refuse subject to receiving appropriate information to address Highway Safety.

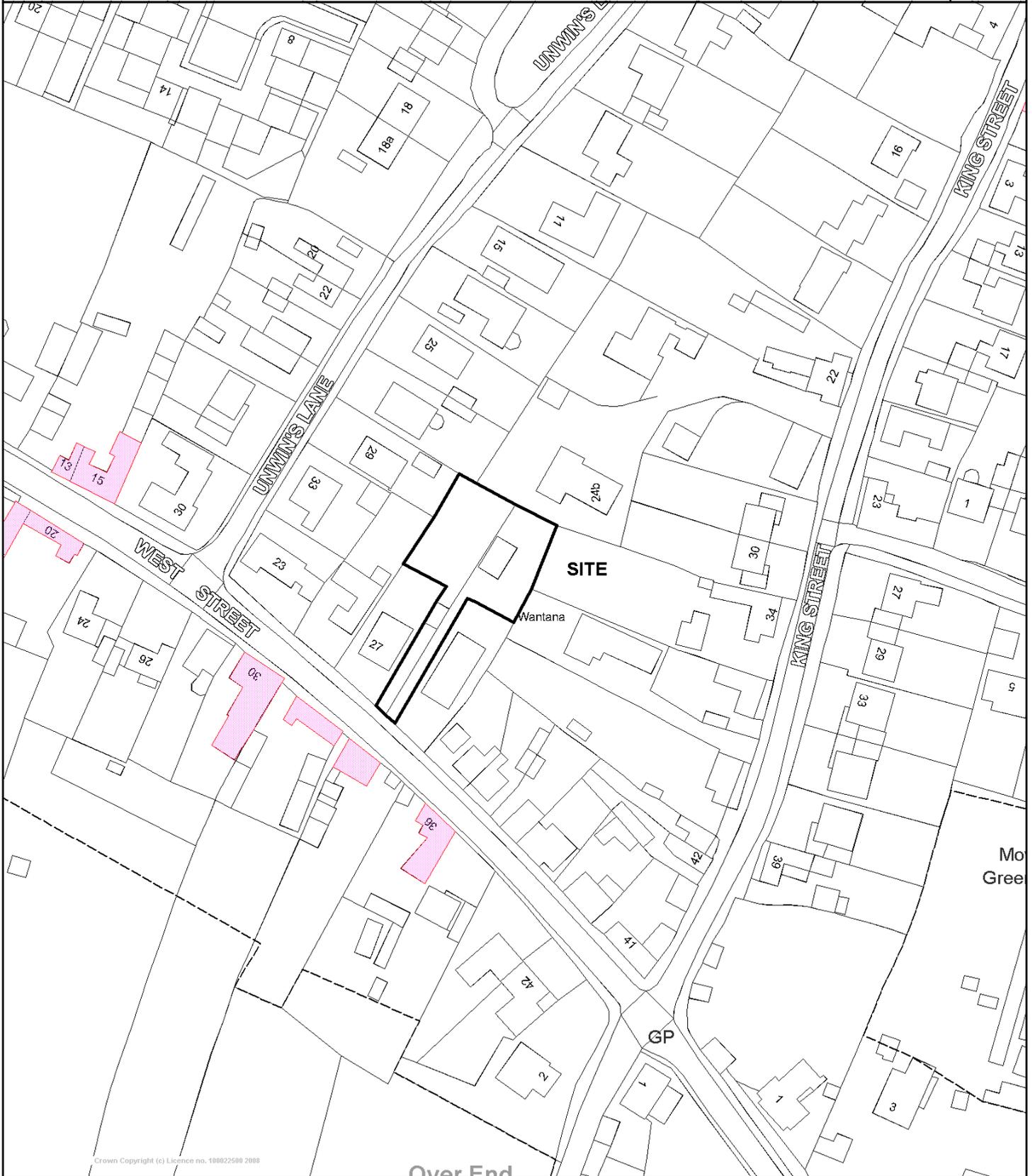
Date for determination: 17th May 2010

Notes:

This Application has been reported to the Planning Committee for determination because the officer recommendation is contrary to the comments of the Parish Council.

Site Description

1. This 0.08-hectare site is located in the south of Over approximately 100m northwest from where West Street meets King Street, Mustills Lane and Longstanton Road. The site is located in the village framework and outside of the designated conservation area. The site was previously garden land to the properties 27 and 29 West Street. The site is bounded on all sides by existing residential development in West Street, Unwins Lane and King Street. The majority of the neighbouring residential units look onto the site from rear gardens and rear facing elevations. The boundaries of the site with No. 27 and 29 West Street comprise a 1.8m high close-boarded fence. The boundary with 25 West Street comprise a 1m high post and wire fence, which allows views across the garden, whilst the boundaries of No 27 and 29 Unwins Lane to the northwest and Rainbow House (shown as Wantana on the OS map) and 34 King Street to the southeast are formed by a 1.8m high close boarded fencing. To the rear of the site is No. 24b King Street, the boundary with which comprises a mixture of close-boarded fencing and substantial mature hedging.
2. The full application, received 22nd March 2010, proposes the erection of 2 dwellings and associated access. The development comprises 2 detached 'L' shaped single storey properties, measuring 4.7m to the ridge at the highest point and 2.4 metres to the eaves. Each property comprises approximately 100m² in floor area.
3. The land is accessed from the southwest via West Street and is currently empty.
4. The application proposes 2 market dwellings. The mix comprises 2 x 2 bedroom detached bungalows. The density equates to 22.4 dwellings per hectare.
5. Accompanying the application is the following:
 - (a) Design and Access Statement



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Scale 1/1250 Date 23/4/2010

Centre = 537637 E 269924 N

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- (b) Affordable Housing Statement
- (c) Foul Drainage and Utilities Report
- (d) Waste Design Code Tool Kit
- (e) Heads of Term for S106 Agreement

Planning History

6. **C/0576/71/D** – Erection of 4 detached Bungalows – Approved.
7. **S/1679/87/F** – Extension to No 29 West Street – Approved.
8. **S/2374/07/F** – Single detached dwelling – Refused due to underdevelopment of the site, the impact on the surrounding street scene and failure to address highway safety.
9. **S/0035/10/F** – Erection of 2 detached bungalows - Withdrawn.
10. The application **S/0035/10/F** was withdrawn following discussion with officers regarding, notwithstanding the earlier reasons for refusal, the off site contributions that were required, the parking arrangements for the new properties which were considered to be unacceptable due to the proximity of the parking areas to the rear gardens of No. 27 and 29 West Street and the dwellings were also considered to be too close to the north east boundary, resulting in the potential loss of a well established hedge that afforded screening between the site and No. 24b King Street.

Planning Policy

11. **PPS1** (Delivering Sustainable Development)
12. **PPS3** (Housing)
13. **PPS7** (Sustainable Development in Rural Areas)
14. **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.
15. **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:

16. **ST/6** Group Villages includes Over. Development or re-development up to a maximum scheme size of 8 dwellings is allowed within village frameworks with a maximum of up to 15 dwellings where this would make best use of a Brownfield site.

South Cambridgeshire Development Control Policies 2007:

17. **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 Play Space, Informal Open Space and New Development, **SF/11** Open Space Standards, **NE/1** Energy Efficiency, **NE/9** Water and Drainage, **TR/1** Planning for More Sustainable Travel, **TR/2** Car and Cycle Parking Standards **TR/3** Mitigating Travel Impact, **TR/4** Non Motorised Modes.

18. Adopted Supplementary Planning Documents provide details on how relevant Local Development Framework Policies will be implemented.

(a) **Open Space in New Developments**

(b) **Affordable Housing**

(c) **Public Art**

(d) **District Design Guide**

Consultations

19. **Over Parish Council** – Comments will be reported at the meeting. Previous comments for the scheme submitted under S/0035/10/F recommended refusal for the following reasons:

(a) This constitutes over development of the site

(b) The access road is an inadequate width

(c) There is a claustrophobic feel to the driveway and fenced areas to the front of the property

20. **Local Highway Authority** – Has raised no objection providing the applicant can provide evidence that the required visibility splay can be appropriately reduced from 70m to 59m.

21. **Cambridgeshire Fire and Rescue Service** – Comments will be reported at the meeting.

22. **Landscape Officer** – Comments will be reported at the meeting. Previous comments for the application under reference S/0035/10/F are as follows: I should like landscape conditions applied as there is scope to improve the entrance to the site which is currently much wider than necessary, while still maintaining the visibility splays. I should also like to ensure that there is planting visible when looking down towards the new houses. There is probably scope for two small trees on the corners, which would frame the fronts of plots 1 and 2. Two more trees could be planted on the frontages of 27 and 29 to contribute to the street and to frame the shared main entrance. I should like the front hedge of no 29 to be retained and an equivalent volume of planting or hedge to match in the front of no 27. I suggest trees that are only 5-10m high. A pair of Amelanchier Robin Hill for the West St entrance and some smaller ornamental Malus would probably be suitable. I suggest that heavily fruiting crab apples are avoided because of the problem of walking through fallen fruit. Amelanchiers are so popular with the birds that they strip the small edible fruit as it ripens and so this is not a problem.

23. **S106 Officer** – The applicant is willing to cover reasonable legal fees in relation to the checking of the agreement, although will only be liable should planning permission be granted. I am therefore not convinced we need a thorough legal examination of the agreement at this stage other than to say that it will be verified for the Council's satisfaction upon the granting of planning permission. For my part the agreement complies with policy.

24. **Housing Development and Enabling Manager** – Comments will be reported at the meeting. – No objections to previous application under reference S/0035/10/F subject to a commuted sum for £54,000 towards off site affordable housing.

25. **Environmental Health Officer** – Comments will be reported at the meeting.

26. **Environmental Services Manager** –Comments will be reported at the meeting. As a waste minimisation measure SCDC has a waste collection policy of only emptying SCDC procured and authorised containers. SCDC will seek to require the developer to fund the procurement of relevant household waste and recycling containers (the relevant containers) by SCDC, during each phase of the development.

SCDC will seek to require the developer to be responsible for the delivery of relevant containers to each dwelling, ensuring that as soon as each dwelling is occupied it has received delivery of the requisite number and type of relevant containers and provided SCDC with appropriate confirmation.

Representations

27. The withdrawn application (S/0035/10/F) is almost identical to this application and it received 5 letters of objection from the occupiers of the neighbouring properties. As the consultation period for this does not expire until 3rd May 2010 it is likely that further comment will be received prior to the committee meeting. These will be presented to Committee in any subsequent updates.
28. To ensure I have addressed all potential planning concerns I have aimed to address all issues that have been raised thus far and those that arose from the previously withdrawn application S/0035/10/F.
29. There have been two representations received at the time of writing this report.
30. From the occupiers of No. 25 West Street concern is raised that the proposal to plant a hedge along the west boundary will not afford the level of privacy a 2m high fence would and have recommended this be changed.
31. From the occupiers of No. 24b King Street objection is raised due to overlooking and loss of privacy.

Planning Comments – Key Issues

32. The key issues to consider in determining this application are the principle of development, layout, impact on neighbour amenity, access and planning obligations.

Principle of Development

33. Policy - Under Policy ST/6 of the Core Strategy adopted 2007 this site is restricted to development of up to 8 dwellings. With this in mind, development of that proposed would normally be supported in principle.

Density

34. It is a requirement that 30 dwellings per hectare is a minimum level of development for residential schemes and the proposed 22.4 dwellings per hectare for this scheme would be short of the prescribed limits and indeed lower than that required. Without the inclusion of the access the site equates to 0.0685 hectares. The density for two units on a site this size would be much closer to that required nationally. The application under reference **S/2374/07/F** for a single detached dwelling was partly refused on grounds of low density and therefore this application addresses one of the earlier reasons for refusal.

35. In an earlier objection received from one of the neighbours it was considered that the Local Planning Authority should refuse a scheme for two units if it has already refused a scheme for a single dwelling. However, I am of the view that the objector was not aware of the density requirements and therefore unclear as to why a scheme for two units has been subsequently submitted. I consider the density proposed is suitable for this site.

Housing Mix

36. The scheme proposes 2 dwellings, both of which are market dwellings. Both units comprise 2 bedroom-detached bungalows. The housing mix is seen as acceptable and in accordance with HG/2 of the Local Development Framework Development Control Policies that seeks development of up to 10 dwellings, market properties should provide at least 40% of homes with 1 or 2 bedrooms.

Affordable Housing

37. The scheme does not propose any on site affordable housing and discussions between the developer and the Housing Development and Enabling Officer have arranged to secure an off site commuted sum of £54,000 towards affordable housing in accordance with the requirements of Policy HG/3 of the Development Control Policies 2007.

Layout

38. The proposed units are identical in their appearance and are mirrored on the plot to form a simple form of development, in line with those at No. 27 and 29 West Street. Space is provided around each plot for private amenity, bin and cycle storage. Each space is adequate to provide for additional planting by future owners.
39. There are two off road parking spaces provided for each unit using off road parking bays. The earlier application saw parking provided directly behind the garden areas of No. 27 and 29 West Street. This was seen as potentially detrimental to the occupiers of those properties by having an adverse impact by reason of increased noise and disturbance, primarily when using their rear amenity space. This scheme has been altered to address this and the turning area proposed is laid out for both properties to use so vehicles can enter and exit in forward gear.
40. The northeast elevation of both properties has been amended slightly by moving the built form further away from the boundary, affording more distance between the proposed units and that of 24b Kings Street. This was initially carried out to ensure retention of the mature boundary hedge but it has also created additional amenity space and a larger distance between units.

Landscaping

41. Detailed landscaping for this scheme is not included in the application though based on the comments received from the Landscape officer it can be added as a condition; however, planting is marked on the layout drawing showing hedging to help separate building plots and to improve privacy.
42. It has been questioned by the residents of No. 25 West Street that the proposed screening between its rear garden and the development site is not appropriate and that 1.8m close-boarded fencing would afford better privacy. As this garden is currently very open to the rear it is not considered an unreasonable request. It is also suggested that this is erected prior to development commencing to ensure that during construction

neighbours are not adversely impacted by noise and disturbance. This can be addressed by condition.

Neighbour Amenity

43. The District Design Guide refers specifically in paragraph 6.79 that neighbourliness will be an important consideration; therefore privacy and the avoidance of overlooking, particularly from window to window, but also from window to private garden space, should be given high priority in any residential context, as should any effect on day lighting and a sense of 'overbearing' of adjacent properties. It should, however, be remembered that the proposed dwellings are single storey only with openings at ground floor level.
44. No 24b King Street is approximately 5 metres northeast from the adjoining site boundary. The proposed development is located 5.5 metres away from the same adjoining boundary comprising 10.5 metres in total between the existing 24b and the proposed units. It is considered preferable in the District Design Guide that to prevent overlooking of habitable rooms to the rear of residential properties and rear gardens that a minimum distance of 15m is provided between the windows and the property boundary. The unit at No. 24b is a bungalow and the closest windows are those of the kitchen and utility rooms. The proposed windows in the northeast facing elevation of the new units have been kept to a minimum and are secondary windows to one of the bedrooms.
45. It is considered that the distance, though below that of the design guide, is not unacceptable given the units are both single storey, the windows in the new units can be obscure glazed/non opening/high level if seen as necessary and there is good boundary treatment that exists between the two properties providing good privacy levels and a noise buffer. It is considered that overlooking is not a problem between these units should the application be approved and that there are measures to address any potential overlooking between the units in the future.
46. With regard to other neighbouring properties it is considered that the distances between the proposed units and those existing are acceptable. There are no opportunities for overlooking as the majority of the surrounding properties are single storey and have good quality screening between the units. Those that have rooms in the roof, primarily Rainbow House (Wantana on the OS plans) and No. 33 Unwins Lane are considered to be of a far enough distance away with only oblique views over the application sites.
47. With regard to loss of light to openings to neighbouring properties, particularly that of Rainbow House which is located to the south east of the proposed units, it is considered that the distance between the units is acceptable not to appear overbearing and the height of the units low enough not to block out any late afternoon sunlight. The distance from the rear elevation of Rainbow House and the proposed units is over 15 metres and therefore in line with the requirements of the District Design Guide.
48. The heights of the proposed units are considered to be in keeping with the surrounding properties and no rooms are proposed in the roof space. It is considered appropriate that the roof space should not have any openings without prior consent to ensure there is not potential for overlooking in the future. This can be controlled by condition. It is also considered that the height is appropriate to ensure the development is not overbearing.

Highway Safety/Access

49. The first application saw the refusal of a scheme for one dwelling partly due to the lack of sufficient data in relation to highway safety. This application proposes vehicular visibility splays that are approximately 11m short of the splays required by 'Manual for Streets' in both directions along West Street. The Local Highway Authority has asked that data be provided to justify these short falls. If the relevant information has not been submitted and accepted by the Local Highway Authority by the determination date for this application it is considered that this application should be refused on grounds of Highway safety. Members will be updated accordingly.

Planning Obligations

50. The developer has agreed to meet all of the requirements of the Councils off site contributions. A revised Heads of Term has not been submitted with the new application, however it was agreed that the following contributions are made:

Affordable Housing

51. No on site affordable units are being provided and an independent assessment was carried out to assess the value of an off site commuted sum for affordable housing. This equated to £54,000.00 which the developer has agreed to pay and the Housing Development and Enabling Manager is also satisfied.

Open Space

52. The application does not make provision on site for open space and therefore a financial contribution is being sought to the sum of £4489.80. The developer has agreed to this.

Community Facilities

53. It is calculated that a contribution to the value of £757.75 would be necessary to alleviate the additional pressure as a result of this development. The developer has agreed to this.

Waste

54. It is calculated that a contribution to the value of £139.00 would be necessary as a result of this development. The developer has agreed to this.

Water and Drainage

55. Information submitted with the application provides evidence that there is foul drainage access for the new units; however, it does not provide details of a public surface water sewer. The site is not in a flood zone and no concerns have been raised regarding localised flooding. Ground levels are not to be raised and a condition requiring finished floor levels to be agreed is suggested. A condition should be attached to the consent if Members are minded to approve regarding further drainage details.

Renewable Energy

56. It is encouraged that Level 3 sustainable homes are provided. This is a basic, standard level of energy efficiency that all house builders should be achieving within their developments.

Other issues

57. Loss of view and devaluation of property have been raised as reasons to object to the scheme though Members are minded that these are not material planning considerations.

Conclusion

58. The proposal for 2 units meets the density requirements that are required by national and local government guidelines and the developer has informed officers that he is prepared to enter into a S106 agreement to meet planning obligations for a development of this size.
59. The layout of the scheme is the result discussions between officers and the applicants to ensure a high standard of design. It has been amended a number of times to take further account of the requirements of planning officers. Sufficient parking is provided at 2 spaces per dwelling.
60. The vehicular visibility splays are the remaining point of contention. The applicant is providing additional information to justify why the proposed splays measure only 2.4 x 59m and do not better meet with the local highway authority requirements. Officers are of the opinion that if satisfactory information can be provided the scheme could be determined under delegated powers.
61. Members will be issued with an update report prior to the meeting but at the present time I am minded for the above reasons to make the following recommendation subject to the assessment of future consultation:

Recommendation:

62. Delegated powers to approve or refuse subject to the outcome of satisfactory information with regards vehicular visibility splays in the interest of Highway Safety.

Conditions

63. Approve
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 would not have been acted upon.)
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan CAPL/192189/WL/ML/003/12.01.10, Proposed Elevations and Plans 5343 and Site Plan (1:200) 5343/2.
(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 commence until details of the following have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details:

- (a) The materials to be used for the external walls and roof.
(Reason – To ensure that visually the development accords with neighbouring buildings and the development not incongruous.)
 - (b) Surface Water Drainage.
(Reason - To ensure satisfactory drainage of the site.)
 - (c) Foul water drainage.
(Reason – To ensure satisfactory drainage of the site.)
 - (d) Finished floor levels of the building(s) in relation to ground levels.
(Reason - To ensure that the height of the building(s) is well related to ground levels and is not obtrusive.)
 - (e) Details of materials to be used for hard surfaced areas within the site including roads and car parking areas.
(Reason - To ensure the appearance of the development is satisfactory in accordance with the requirements of policy DP/2 of the adopted Local Development Framework 2007.)
4. The development shall not be occupied 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.
(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.)
5. No further windows, doors or openings of any kind shall be inserted in any elevation or roofslope of the development, hereby permitted, unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.
(Reason – To safeguard the privacy of occupiers of the adjoining properties in accordance with the requirements of Policy DP/3 of the Local Development Framework policies adopted 2007).
6. Notwithstanding the provisions of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the following classes of development more particularly described in the Order are expressly prohibited in respect of the property and each unit thereon unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf: -
- i) PART 1, (Development within the curtilage of a dwellinghouse, A, B, C, D, E and F).
 - ii) PART 2, (Minor operations), Class A (erection of gates, walls or fences).
(Reason – To safeguard the character of the area and to ensure that additions or extensions which would not otherwise require specific planning permission do not overdevelop the site.)
7. During the period of construction no power operated machinery shall be operated on the site before 08.00 hours on weekdays and 08.00 hours on Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any time on Sundays or Bank Holidays) unless otherwise agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.
(Reason – To protect the occupiers of adjacent properties from an unacceptable level of noise disturbance during the period of construction.)

8. The development shall not be occupied until the area shown hatched on drawing 5343/2 has been drained and surfaced (or other steps as may be specified), and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.
(Reason – To ensure adequate space is provided and thereafter maintained on site for the parking and turning of vehicles in accordance with the requirements of Policy DP/3 of the Local Development Framework policies adopted 2007.)
9. Before development commences, a plan specifying the area and siting of land to 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 shall be submitted to and approved in writing by the Local Planning Authority; such space shall be maintained for that purpose during the period of construction.
(Reason – In the interests of Highway Safety and in accordance with the requirements of policy DP/3 of the Local Development Framework policies adopted 2007.)
10. 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 the dwellings are 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.)
11. No development shall commence until the boundary treatment for the west boundary has been erected in accordance with the approved details and shall thereafter be retained.
(Reason – To protect the occupiers of adjacent properties from an unacceptable level of noise disturbance during the period of construction in accordance with the requirements of Policy DP/3 and NE/15 of the adopted Local Development Framework.)
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 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. 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.)

14. 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.)

Informatives

Should driven pile foundations be proposed, then before works commence, a statement of the method of construction of these foundations shall be submitted and agreed by the District Environmental Health Officer so that noise and vibration can be controlled.

During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.

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

- Core Strategy 2007
- Development Control Policies 2007
- Site Specific Policies
- Planning file Ref: S/1397/09/O

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