

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2nd June 2010

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

**S/0014/10/F - WILLINGHAM
Erection of 19 Dwellings
At Land to the South of Brickhills for Mr Andrew Greed**

Recommendation: Delegated Approval

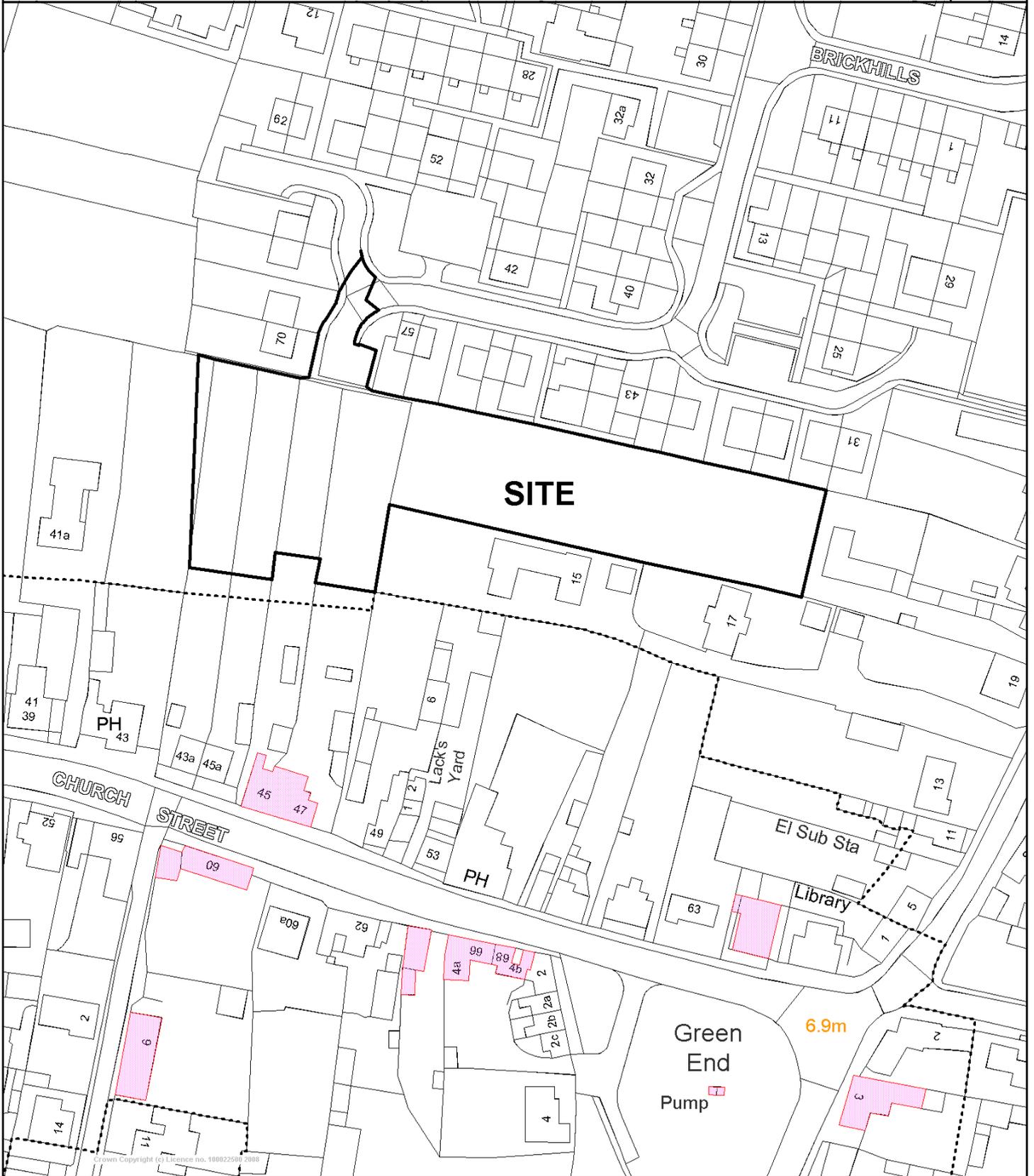
Date for Determination: 13th July 2010

This Application has been reported to the Planning Committee for determination as part of the site is owned by the District Council, and an objection has been received from the Parish Council.

Members will visit this site on 2nd June 2010

Site and Proposal

1. The site is located within the Willingham village framework, and is located close to the existing residential areas of Brickhills to the north, Rockmill End to the east and Church Street to the south. The eastern section of the site represents a small area of agricultural/grassland. The western section of the site is formed from the long rear gardens of the properties at Church Street. The southern boundary of the site is adjacent the Willingham Conservation Area, whilst 45-47 Church Street to the south are listed buildings.
2. Access to the site would be from Brickhills to the north, which forms a cul-de-sac accessed from Wilford Furlong further northwards. The north end of the site along Brickhills is owned by South Cambridgeshire District Council. The northern boundary along the rear gardens to the dwellings of Brickhills is a 1.8m high fence, with some hedging alongside. This fence is panelled alongside the two-storey properties, but is a chain link fence by the bungalows to the eastern end of Brickhills. The eastern boundary is some low hedging and trees. The southern boundary alongside 15 and 17 Rockmill End is a 1.8m high panel fence. These two properties are a chalet bungalow and two-storey property respectively. The site consists of a number of garden boundaries in its western side, consisting of hedging and fencing of various heights. The land to the east of the site is the beer garden to the former Three Tuns public house, now a restaurant.
3. The full application, validated on 6th January 2010, seeks the erection of 19 dwellings on the land. This would include six affordable units. The application is accompanied by a Viability Appraisal, a Design and Access Statement, a Transport Statement, A Flood Risk Assessment and a Planning Statement.



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Scale 1/1250 Date 14/5/2010

Centre = 540739 E 270552 N

June 2010 Planning Committee

Planning History

4. Planning application **S/2196/06/F** was approved for nine dwellings following demolition of the existing dwelling and outbuildings at 37 Rockmill End. This is located to the northeast of the proposed application site.
5. There have been various planning applications made on various parts of the site, although none are considered relevant to the determination of this application.

Planning Policy

6. **Local Development Framework Core Strategy Development Plan Document 2007:**
ST/5 Minor Rural Centres
7. **Local Development Framework Development Control Policies (LDF DCP) 2007:**
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, **HG/2** Housing Mix, **HG/3** Affordable Housing, **HG/4** Affordable Housing Subsidy, **SF/6** Public Art and New Development, **SF/10** Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** Open Space Standards, **NE/1** Energy Efficiency, **NE/3** Renewable Energy Technologies in New Development, **NE/6** Biodiversity, **NE/9** Water and Drainage Infrastructure, **NE/10** Foul Drainage – Alternative Drainage Systems, **NE/11** Flood Risk, **NE/14** Lighting Proposals, **NE/15** Noise Pollution, **CH/4** Development Within the Curtilage or Setting of a Listed Building, **CH/5** Conservation Areas, **TR/1** Planning for More Sustainable Travel & **TR/2** Car and Cycle Parking Standards.
8. **Development Affecting Conservation Areas SPD, Open Space in New Developments SPD, Public Art SPD, Trees and Development Sites SPD, Affordable Housing SPD & District Design Guide SPD.**
9. **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.
10. **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 and reasonable in all other respect.

Consultation

11. **Willingham Parish Council** recommends refusal of the original plans and amendments on grounds that insufficient investigation appears to have been carried out in regards to drainage and flooding issues. There is also inadequate access through a sheltered housing estate. The application appears overly dense and appears not to be in character with the nearby conservation area.
12. The Council's **S106 Officer** has been involved in numerous discussions and meetings since the submission of the application. He has been advising on the Section 106 package and using the GVA Grimley economic appraisal tool to look at outcomes of the various affordable housing scenarios.
13. The Council's **Housing Development and Enabling Manager** has also been involved in the pre-application discussions regarding the site, and the negotiations

following submission. It is noted that the applicant is proposing only 6 affordable units, below the usual 40% provision, although this is accepted in principle. The tenure proposed is four shared ownership and two affordable rented units, which is opposite to that proposed in the Affordable Housing SPD. There are concerns the initial purchase share of the shared ownership units would be limited to those who can only afford a 50% stake, making them unaffordable for prospective purchasers. It is considered essential for them to begin at 30% in line with the Affordable Housing SPD. The proposed tenure mix is therefore unsupported.

14. The **Local Highways Authority** has confirmed they would seek to adopt the road, and note that although they are not the parking authority, there are concerns regarding an under-provision. A condition regarding bicycle parking facilities is recommended. Following the submission of the amended plans, the turning area and footpaths, particularly to the east of the site, are considered acceptable.
15. The **Old West Internal Drainage Board** notes the site area is outside the Old West Internal Drainage District but in an area that drains into it. The FRA states that the drainage strategy seeks to contain water on site via the use of infiltration techniques and if required, a level of source control. If water is contained on site via infiltration methods, the Board's surface water receiving system will not be affected and the Board will not object to this.
16. The Council's **Drainage Manager** has commented regarding the original plans, and notes serious concerns regarding the surface water drainage proposals. A watercourse runs through the site that drains a substantial area of the village. It is classified as a Riperian drain, and its upkeep or maintenance is the responsibility of the owners of the land through which it runs. Soakaways are likely to be unsuitable. A suitable sustainable drainage system is required.

Following these comments, the Council's Drainage Manager has been in discussions with the applicants consultants, and a new surface water strategy has been produced to address concerns. This involves the re-routing of the existing underground watercourse and allow for future maintenance/repairs. The proposal is considered satisfactory subject to details through a surface water drainage condition.
17. The **County Council Education Team** requires a contribution as Willingham Primary School is currently full. A figure of £39,900 is requested.
18. The **Police Architectural Liaison Officer** notes the area has had 10 reported crimes in the last 2 years, 7 of which have been vehicle related. Statistically, a cul-de-sac is less likely to attract crime. There is good surveillance throughout the site, apart from plot 19 which is not overlooked. It is recommended that the bungalow is handed. There are minor concerns regarding the recesses to the front of plots 13 and 14. It is recommended that to achieve Code for Sustainable Homes application, whereby each dwelling should achieve Section 2 Secured by Design. This will require PAS 24 doors and B.S.7950 windows.
19. The Council's **Landscape Officer** notes the architecture is a refreshing change, although there are some concerns regarding the colour of the panels. There are no objections to the layout subject to a landscaping condition. There should be a 1m gap between the road and acoustic fence to allow suitable planting.
20. The Council's **Trees Officer** has no objection to the scheme

21. The Council's **Environmental Health Officer** notes some concerns regarding noise disturbance, and therefore suggests conditions regarding timescales for the use of power operated machinery during construction, driven pile foundations, details of external lighting, and an informative regarding bonfires and the burning of waste.
22. The County Council **New Communities Team** has no comments regarding the scheme.
23. **Sustrans** objects to the proposal as the layout gives a long and convoluted access to the facilities of the village, discouraging cycling and walking. This would militate against community values, and generate traffic along Brickhills.
24. The **Council Archaeology Team** notes that the site is located in an area of high archaeological potential in the historic village of Willingham. Archaeological investigation of land to the east found medieval structures, whilst Roman and early medieval remains were found to the south. A condition is recommended for a programme of investigation.

Representations

25. Letters of objection have been received from the occupiers of 15 properties regarding the original and amended plans. Objections are on the following points:
 - (a) Safety concerns relating to playing children
 - (b) Overly dense development
 - (c) Noise and disturbance from the Open Space
 - (d) Location of bins against boundary walls
 - (e) Increase in traffic and related noise and disturbance
 - (f) Poor parking in Brickhills and the low number of spaces on the proposed site
 - (g) Impact upon the culvert, "Common Shore" which passes through the site and flooding implications
 - (h) Impacts from street lighting
 - (i) Loss of light to the gardens of Brickhills and Rockmill End
 - (j) Overlooking towards all neighbouring dwellings as whole
 - (k) Disturbance due to construction traffic and the proximity of the roadway to Brickhills
 - (l) Mud on the roads
 - (m) The previous refusal in 2003
 - (n) Concerns regarding design and materials
 - (o) The loss of a willow tree, and trees by 17 Rockmill End
 - (p) Loss of private views across agricultural land
 - (q) Potential for the scheme to be left unfinished
 - (r) Impact upon the adjacent Conservation Area and Listed Buildings
 - (s) Potential subsidence
 - (t) Devaluation of properties
 - (u) Difficulties for emergency vehicles

Planning Comments – Key Issues

26. The key issues to consider in this instance are the principle of development, the full Section 106 package, the impact upon the occupiers of adjacent properties, design and the impact upon the street scene, flooding and drainage, highway safety and parking provision, the impact upon the adjacent Conservation Area and Listed Buildings.

The Principle of Development

27. Willingham is classified as a Minor Rural Centre in the LDF Core Strategy 2007, where residential development up to a maximum scheme size of 30 dwellings per hectare will be permitted within village frameworks. Such villages have a reasonable level of services and facilities to allow capacity for such developments. The scheme therefore falls within the development criteria. The policy also states that where a material burden is placed on the existing village services, the District Council can secure financial contributions at an appropriate level through a Section 106 agreement. This is considered in depth below.
28. The site has an area of approximately 0.458 hectares and the proposal seeks 19 dwellings. Policy HG/1 of the LDF Development Control Policies 2007 seeks residential developments to make best use of a site by achieving average net densities of at least 30 dwellings per hectare, and higher average densities of at least 40 dwellings per hectare should be achieved in more sustainable locations. This development achieves 41 dwellings per hectare, in line with the target and aims of the policy. Willingham has a number of services and facilities within the village, and is therefore has the capacity in this location for the density of dwellings proposed.

The Full S106 Package

29. The scheme relates to a development of 19 dwellings. Of these, the applicant is offering 6 to be affordable dwellings. Policy HG/3 of the LDF DCP 2007 seeks 40% or more of dwellings to be affordable. 6 units out of 19 represents 32% of units. A scheme of 8 would represent 42% and be the figure usually sought for a site of this size. Criteria 3 of the policy states within individual developments, the proportion and type of affordable housing will be the subject of negotiation with applicants. Account will be taken of any particular costs associated with any such scheme and other viability considerations. This therefore does allow for a lower provision providing it can be proven that providing 40% is not viable. The applicant is committed to providing 6 affordable units, £43,500 for public open space provision, £39,900 towards education as requested by the County Council and £1,500 towards section 106 monitoring. No public art provision has been included within the heads of terms. Council officers have met with the applicant on several occasions to ascertain the best section 106 package whilst still allowing for a positive residual land value. Members should be aware that no contributions towards community facilities are proposed, as this was not sought during the pre-application discussions.
30. The applicant has provided an analysis of the scheme using the HCA recommended economic appraisal tool, as per the adopted Affordable Housing SPD (GVA Grimley model). The assessment has been accompanied by supporting information in respect of offers from registered providers, cost of site abnormalities, comparable sale revenues and corporate bank lending rates. These have not been verified by an independent expert, nor has the build cost factored in to the model.
31. I note the comments from the Council's Housing Development and Enabling Manager regarding the affordable and tenure mix proposals. Given the discussions, she is satisfied that the Council can accept a lower proportion of affordable housing for the site. However, she is unable to support the proposed tenure mix. The proposal seeks 2 social rented dwellings and 4 intermediate houses.

32. Paragraph 3.13 of the Affordable Housing SPD states “The district wide targets for tenure mix in new affordable housing is 70% social rent and 30% intermediate housing. They are the appropriate targets because they:
- (a) *Conform to the needs identified in the Strategic Housing Market Assessment for at least the first 5 years covered by the study (SHMA May 2008- Source Chapter 30 Table 6);*
 - (b) *Respond to the greatest amount of need (rented housing) but it still produce balanced sustainable developments;*
 - (c) *Are close to the Council’s current practice which has shown itself to be viable and deliverable.”*

33. The Housing Development and Enabling Manager feels Members may feel it helpful to read paragraphs 5.4-5.14 of the Affordable Housing SPD. This is to ensure Members are aware of the reasoning behind the tenure mix and interpretation of Policy HG/3. The next paragraphs are those taken from the Affordable Housing SPD.

“5.4 Policy HG/3 of the Development Control Policies DPD provides for negotiation over the proportion and type of affordable housing, to take account of any particular costs associated with the development and other viability considerations, the relative priority of other planning considerations and the need to achieve mixed and balanced communities. In the case of financial viability considerations the following procedures will apply.

5.5 There will be a presumption that the development will include full and appropriate provision for affordable housing unless it is demonstrated that it cannot be provided at a rate of 40% or more of the dwellings in a development. The onus is therefore on a developer to demonstrate that viability would be jeopardised by this level of provision. This will require a full economic appraisal of the costs of development and of returns from the sale of housing to show what sum could be made available for affordable housing.

5.6 The methodology, underlying assumptions and any software used to undertake this appraisal should be agreed with the Council, with the normal approach being the current methodology endorsed by the Homes and Communities Agency, which is the economic appraisal tool prepared by GVA Grimley. The tool is endorsed by the HCA to assist Local Planning Authorities and developers negotiate and agree the viability of planning obligations generally. The toolkit also helps development partners demonstrate how grants from the National Affordable Housing Programme (NAHP) will help them deliver more affordable housing over and above the level that can be supported from planning obligations alone.

5.7 Any consideration of viability must look at the overall package of requirements on a development and the Council’s objective will be to secure at least 40% affordable housing through any prioritisation of contributions, if possible. Indeed, as set out in Chapter 3 on the amount of affordable housing, if testing demonstrates that a higher level of affordable housing provision is viable, the Council will seek a higher proportion of affordable housing, consistent with Policy HG/3 and the level of housing need in the district (see also Chapter 3, Amount of Affordable Housing).

5.8 Where the Council needs independent advice to validate a viability appraisal submitted by an applicant that seeks to justify a variation on the 40% or more target include in Policy HG/3, reasonable costs will be met by the developer/applicant.

5.9 The financial appraisal should be presented on a residual land value basis taking into account all the reasonable costs of the development including required contributions to local services and infrastructure, the provision of affordable housing and a reasonable profit margin to the developer. It should also include a valuation of the site in its existing, or in the case of a vacant or derelict site, its last use, i.e. before any application for residential development, not its purchase price or hope value. The appraisal should accompany the planning application or preferably form part of pre-application negotiations.

5.10 If there are particular development costs associated with a specific site, over and above what would typically be expected on a development, e.g. contaminated land, these may adversely impact on the costs of a development. Any information provided will be treated as commercially sensitive and dealt with confidentially and will not be disclosed to any third party without the written consent of the applicant.

5.11 Where the Council is satisfied that financial viability of a development would be jeopardized by full provision of the affordable housing target, and taking into account any other planning obligations, it will first negotiate over varying the preferred mix and tenure of dwellings with a view to establishing whether this would enable the 40% target to be met, and if this cannot be achieved in a way that addresses needs in an acceptable way, the Council will then negotiate over varying the percentage of affordable housing being sought.

5.12 If an initial percentage of less than 40% is agreed, the S106 Agreement will include provisions for a review mechanism such that if the development is not completed within 3 years of the date of the planning permission, a further consideration of viability will be carried out at that stage (and every 3 years thereafter) for the purposes of determining whether the percentage of affordable housing should increase for the balance of the development still to be completed and any revision should not be limited to 40% but may increase to cover a shortfall of less than 40% on an earlier part of the development.

5.13 Policy HG/4 of the Development Control Policies DPD provides for the exceptional circumstances where there is a considerable time lag between the grant of planning permission and implementation, which has adverse implications in terms of the financial viability of the scheme or where insurmountable subsidy issues occur. For example, where development does not start for a number of years after planning permission is granted, financial viability may change from that assessed at the time of granting planning permission, particularly if there are significant changes in economic conditions. This may also apply to major developments where development takes place over a long period of time, although this eventuality will be taken into account in the framing of the Section 106 agreement forming part of any permission. Another scenario may be where planning permission was granted for a particular proportion of affordable housing on the assumption that Social Housing Grant would be available and by the time that development commences this proves not to be available.

5.14 Under such exceptional circumstances, the Council will be prepared to review the planning permission, and if it considers that the applicant /developer has made a sound case, it may be prepared to renegotiate the affordable housing contribution. Where evidence of exceptional circumstances is provided that threaten the delivery of the scheme, the Council will consider negotiating a different tenure mix or for the provision of a lower proportion of affordable homes or for a number of built units with no additional public subsidy as the affordable housing contribution, but this itself will be subject to further reviews every 3 years where the development is not completed within a 3 year period.”

34. A variety of scenarios have been studied using the GVA Grimley model. By altering the tenures and number of affordable units, the model calculates all aspects of the development, and provides a final figure to discover the financial viability of a scheme. An unviable scheme is unlikely to go ahead given the risk to the development and the severe impact upon their own profit margins, and the increase in difficulty in securing borrowing for the development. After much negotiation, the scheme put forward would appear to be the most viable for the site. Whilst it is noted that both the numbers of affordable housing and the tenure mix are not in line with policy, achieving these standards would make the scheme unviable and therefore no housing would be brought forward.
35. It is important that a planning consent is not 'banked' and not left for a more favourable housing market, as discussed in the Affordable Housing SPD as quoted above. So that the viability issues remain pertinent the applicant has agreed to deliver the affordable units within a tight timescale, such as 18 months from the date of planning permission.
36. Members should be aware that the applicant has failed to negotiate a fee with the landowners regarding access from Brickhills. Members should also be aware that these negotiations are currently taking place with the District Council's Housing Team as landowner. There has been local concern about a potential conflict of interests given the District Council are the owner of this strip of land. The applicant has shown £35,000 within their abnormal costings for the access. Should this figure alter, then it is likely to require a reduced S106 package, which may be lower open space or education provisions. Whilst the issue of viability is a material consideration on decision making, it is not felt appropriate for officers to determine the weighting that is to be attached to the scheme and may therefore seek the views of the planning committee in this respect. The recommendation reflects this approach.
37. Paragraph 10 of the planning obligation circular 05/2005 outlines that where schemes are not economically viable, it is for the local authority to decide what is to be the balance of contributions made by developers. If the local authority wishes to encourage development, and where the development is needed to meet the aims of the development plan, it may wish to provide the necessary infrastructure itself in order to enable development to be acceptable in planning terms.
38. The Homes and Communities Agency (HCA) good practice note 'responding to the downturn' states 'a planning obligation is generally necessary to make a proposed development acceptable in planning terms, and that its non-viability, although a material consideration, is not a sufficient reason in itself for considering flexibility in its application'.
39. The Advisory Team for Large Applications (ATLAS) was established by the ODPM (Now Communities and Local Government) and provide an independent advisory service to local authorities. Their topic paper T1: Responsive Planning Practices for Changing Economic Times published in January 2010 advises local authorities to build in flexibility into legal agreements to allow for the scenario should the market recover allowing for a greater level of planning obligations that agreed at the time of the viability appraisal. Such uptake is acceptable in accordance with the planning obligations circular 05/2005 so long as the local planning authority is not seen to be profiteering from development. The topic paper suggests obligations should be capped at an appropriate level (i.e. what would have been required in accordance with adopted policy) to address this scenario.

40. In summary of the above, the applicant has shown that the scheme is unable to provide affordable housing and the tenure mix in line with the Council's policies. Negotiations have taken place regarding the viability, and it is believed the proposed scheme is the most viable for a 19 dwelling scheme at the site. Members should give due weight on whether such a reduced package is better than leaving the site undeveloped.

The Impact upon the Occupiers of Adjacent Properties

41. Given the narrow nature of the site, the proposed dwellings will be located close to a number of the existing surrounding dwellings. The scheme has been designed and amended to best assimilate it into the area without causing any serious harm to the occupiers of these properties.
42. 70 Brickhills is a two-storey semi-detached property, with a driveway to its south side between it and the application site. It currently has a row of tall leylandii hedging along the southern boundary, and a chain link fence. The hedging would be removed, opening up the view from the dwelling to the south. Plot 1 would be located 3m from the shared boundary. There are no primary habitable room windows in the south elevation of 70 Brickhills. I do not therefore consider that any serious harm would result to the occupiers of this property. The proposed dwelling is slightly longer and therefore a condition limiting windows in the north elevation, they could overlook the private garden area of 70 would be required. The only window in the north elevation serves a bathroom and a condition can ensure it is obscure glazed.
43. Plots 1 to 6 would be located along the western section of the site. Plots 1-2 would be located between 8 and 9.5m from the west boundary, whilst the design of plot 3 would bring it to within 3.5m of the boundary at its closest point. Here, the roof would be at its lowest at 5m in height. Each dwelling has rear facing bedroom windows, which would overlook the land to the west. This land is the beer garden for the former Three Tuns public house, now a restaurant. Whilst it would be significantly overlooked, the use of the land would mean that no serious loss of amenity would result. I note that there is potential for overlooking from the north elevation of plot 3 to the private garden of plot 2. Again, a condition restricting future windows, and a condition obscuring the bathroom window could prevent this in the future.
44. The south boundary of the site is irregular in shape, as a section of garden for 45 Church Street extends further northwards. Plots 6-8 are located close to the southern boundary of the site. Plot 6 is 1m from the irregular boundary area, and 5m from the southernmost boundary. Plots 7-8 are located 8.3m from the southern boundary. Again, at this point, the dwellings are at their lowest at 5m in height. There were concerns that the proximity of these dwellings to the long gardens of the properties on Church Street would make them appear overbearing and create overlooking from the bedroom windows. The applicant has provided a plan showing how these gardens would be affected. The gardens stretch approximately 44m from the rear boundary and a further distance (as above) to the dwellings themselves. Any overlooking would be into the end of the gardens only, with the private garden spaces to the back of the dwellings unaffected. Although the dwellings will be easily seen from these gardens, and would cause some overlooking to the rear of these gardens, I do not consider the proposal would cause a serious loss of amenity to the occupiers of these properties.
45. Plot 8 would also be located approximately 2.9m and 3.5m from the shared boundary with 15 Rockmill End. This is a timber boarded bungalow, with accommodation in the roof space. Its main private garden area is to the west of the dwelling towards plot 8. Again, the dwelling would be visible from this area, but given its low height, I do not

consider any serious loss of amenity would be caused. A condition would again be required to ensure that the facing bathroom window is obscure glazed, and that no further first floor windows are added in the side elevation.

46. Plots 9 and 10 are located on the bend of the proposed road. Plot 9 would be 5.5m from the north boundary of the site, which at this point is the parking area for Brickhills and the boundary with the rear garden of 57 Brickhills. There is a bedroom window facing north-eastwards. This may create some views to the rear gardens of 55 and 57 Brickhills, but the design of the room would make this difficult to achieve. A condition could be added to obscure glaze this window if members feel this necessary. A condition would be required to restrict any further windows in the north, northeast and east elevations of plot 9. There is a similar first floor bedroom window to plot 10, although this is set further from the north boundary. Again, there is potential for some overlooking to 55 and 57 Brickhills, and members may wish to add an obscure glazing condition. No other windows should be added at first floor in the northeast and northwest elevations.
47. An area of open space would be located along the north boundary of 15 Rockmill End, and between plots 8 and 11. It would be naturally overlooked by ground and first floor windows in the surrounding proposed dwellings. I note concerns regarding noise disturbance to the occupiers of 15 Rockmill End, particularly regarding ball games. Defensive planting is shown on the diagrams, and should be included in any landscaping scheme to ensure that ball games would not lead to the constant kicking of a football against the boundary fence. I do not consider the occupiers of 15 Rockmill End would suffer a serious loss of amenity from the location of the open space.
48. Plots 11-16 run through the centre of the site. There were concerns during the course of the application regarding the overlooking potential both towards properties on Brickhills and Rockmill End. The latest amended first floor plans show that north facing windows are to be obscure glazed to prevent overlooking, and these can be conditioned accordingly. The south facing windows have been adjusted to prevent overlooking, and oriel windows have been added. With use of restrictive conditions, there should be no overlooking towards 15 or 17 Rockmill End, or between dwellings in the development. It should be noted that the elevations have not been altered to show the changes to the windows, and if approved, these would be required before a consent is issued.
49. 33-37 Brickhills are bungalows, with very small rear gardens measuring only 4.5m in depth at their smallest point. They have numerous rear facing windows between them, and the boundary is currently only a chain link fence. Plot 19 is single storey and has been designed to restrict any serious harm to the occupiers of these bungalows. Given its single storey nature, it would not be viewed as overbearing from the bungalows at Brickhills, and at 3.7m in height at its tallest point, would be lower than these bungalows. The roof integrates well with the design of plots 17 and 18, which are two-storey properties. There are no first floor windows in the south elevation of plot 17 that would cause serious overlooking to 17 Rockmill End, providing conditions are added to ensure the bathroom window is obscure glazed, and no further windows are added.
50. To the east of the site are the properties along Rockmill End. The whole of the shared boundary of the site appears to be in the ownership of 21 Rockmill End. This property has a number of old outbuildings towards its western boundary. Plots 17 and 18 both have rear facing windows at first floor levels approximately 8.9m from the boundary.

Again, this would not cause any serious loss of harm to the occupier of 21 Rockmill End given the presence of these outbuildings, and the length of the rear garden.

51. I note the concerns from the residents of Brickhills regarding noise disturbance from the access way and light pollution from any street lighting for the scheme. These properties have very small rear gardens, measuring only 5m in depth in some instances where the footpath runs to the rear. A 2m high Jakoustic Reflective Environmental Noise Barrier System is proposed along the north elevation of the site to reduce noise disturbance. A 1m landscaping belt is also shown to allow some landscaping along this barrier. Whilst the residents of Brickhills are likely to be aware of further vehicle movements, I do not consider any loss of amenity would be serious enough to refuse the application. Details and the retention of the Jakoustic Barrier would be required by condition.
52. With regards to lighting, a condition can also ensure that light is filtered into the site only by the use of appropriate louvers. Details of these would be required by condition. With adequate information, I do not consider that any serious harm would occur to the occupiers of the properties of Brickhills.
53. In summary, the nature of the site means that the proposed dwellings are located close to the surrounding dwellings. The scheme has been designed to reduce any impact upon the occupiers of these properties. With the use of appropriate restrictive conditions, I consider that the scheme would not cause any serious loss of amenity.

Design and Impact upon the Street Scene

54. The site is a narrow strip of land, particularly the eastern section, and the design of the scheme has to take this into account. Given the need for an access road, the dwellings are located close to the road with minimum front gardens. This is the result of pre-application discussions, which include input from the Urban Design team.
55. The dwellings have been designed to look modern, and do not mimic the existing dwellings in the area. I note that this decision has caused some local concern. The dwellings along Brickhills are ex-Local Authority housing, and themselves are not of great architectural merit. The dwellings along Church Street are included within the Conservation Area and are considered to be a more traditional style of design. If either of these conflicting styles were to be used as a template, then I do not consider the scheme would integrate well into the area. A modern design ensures that the scheme is read as new, and not a pastiche of another form of design. The adopted Design Guide notes that “buildings with too much uniformity can appear dull and over-regimented and those with excessive variety can seem haphazard and unsettling. Good architecture often combines and plays off the regular and irregular, the expected and the unexpected”.
56. The dwellings themselves all have the same design principles. They have monopitch roofs, which allow the heights and bulk of the dwellings to be relatively low in comparison to other two-storey units. The maximum height of any of the dwellings is 6.5m, with the monopitch roofs sloping downwards at a shallow angle. The dwellings would be lower in height than those two-storey units on Brickhills. The external materials would consist of a combination of rendered panels, thin stripped Siberian larch and brickwork, with zinc roofing above. Concern has been raised regarding the colour of the panels, which are shown on the plans to be green. The plans do state that the colours are to be confirmed, and a condition can ensure appropriate colours are to be used. These may be more subtle than the green shown on the plans.

57. The units are a combination of semi-detached properties, a terrace of four units and a single detached bungalow. This does create some difference in the site, and it is noted the same design principles run through each of these types of dwelling. The terrace of four has been located on the bend in the road, and therefore is designed to turn with the road. This reduces the bulk of this element as it is not viewed as four dwellings in a row.
58. I note the comments from the Council's Trees Officer regarding the scheme. There is a large willow tree just south of the parking area on Brickhills which would require removal to allow access into the site, and there are concerns regarding its removal. However, the tree is not considered worthy of protection in its own right. The Landscape Officer has no objections to the layout, and seeks a 1m wide strip along the northern boundary to allow for significant planting. A landscape condition and boundary condition would be required to ensure appropriate detailing on these issues.
59. With appropriate conditions regarding landscaping and materials, I consider the design of the scheme acceptable.

Flooding and Drainage

60. I note the comments from the Council's Drainage Manager, who has been working with the applicant to devise a suitable drainage scheme for the site following the discovery of the Common Shore Drain that runs through the site. The details provided by the consultant are acceptable, subject to a condition to ensure adequate detailing. I note local concerns regarding flooding, but the submission of adequate detail should ensure that surface water is drained in an appropriate manner.
61. The applicant has stated that foul water would be discharged into the mains sewer. This is considered acceptable in principle, subject to a condition showing the connection details.

Highway Safety and Parking Provision

62. Access to the site would be gained from the north through Brickhills. This is an estate road that serves a number of dwellings, and winds southwards from Wilford Furlong. On the opposite side to 70 Brickhills is a small parking area for the estate. This would be unaffected by the proposal, which would still allow safe use and manoeuvring from these spaces.
63. The Local Highway Authority has confirmed that they would seek adoption of the access road. The plans show an access 5m wide running through the site, with a 1.8m footway. It is noted that the road does reduce to 4.7m in places, and therefore a condition can be added to ensure the 5m width is retained throughout the site. This should not alter the general layout of the site. The footpath now serves all dwellings on the site.
64. It is noted that the pedestrian visibility splays shown on the amended layout plans date stamped 23rd March 2010 are shown incorrectly. The required splays for plot 12 appears to not be possible given the location of the dwelling. However, in this instant, I consider the reduced splay possible (1.5m by 1.5m) to be acceptable in this instance. Plot 1 would be located directly to the south an existing fence that is not controlled by the applicant or the council. There are no powers to remove this fence. Pedestrian splays are not possible to the north from the proposed access to plot 1. However, the removal of the leylandii hedge will allow views through the chain link

fence for drivers to be able to see oncoming pedestrians. In this instance, although there would be an obstruction more than 600mm in height, there would not be any serious harm to highway users or pedestrians. A condition can ensure a plan showing the correct and achievable splays is submitted and therefore implemented on site.

65. I note a condition is recommended regarding the provision of parking facilities for powered two wheel vehicles and bicycles. There is space to the front and side of the dwellings for such storage, whilst each unit would have a private garden area. Although the areas would not be secure, i.e. in a shed or garage, the design of the layout would not allow this to be achievable, and there is necessary private space available. In this instance, I do not consider such a condition necessary.
66. There is local concern regarding the number of parking spaces at the site. The site provides 31 parking spaces, each generally related to an individual unit. The Council's maximum parking standards seek 1.5 spaces per dwelling, plus the provision of short-term parking for visitors. The site therefore provides sufficient parking in line with the policy.
67. The site does have a good location in line with the village's services and facilities. However, I note concerns from Sustrans that cyclists and walkers may be discouraged from cycling and walking to these facilities due to the "convoluted" access through Brickhills. There is no direct access to Church Street or Rockmill End from the site, and therefore journeys out of the site would require occupiers to go through Brickhills. I would be concerned that any access onto Church Street would cause harm to the designated Conservation Area. However, the facilities remain relatively close. I do not consider this would significantly discourage cyclists and walkers to a serious extent.

Impact Upon the Adjacent Conservation Area and Listed Buildings

68. The Willingham Conservation Area includes most of the properties and rear buildings fronting onto Church Street. The rear boundary of the site by plots 5-8 is directly adjacent to this designation. The Conservation Area boundary continues eastwards to the southern boundary of 15 and 17 Rockmill End. 45 and 47 Church Street are a pair of semi-detached grade II Listed Buildings and have long rear gardens. No comments have been received from the Conservation Officer. However, it is noted that during pre-application discussion, concerns were raised on the impact of both the Conservation Area and the setting of the Listed Buildings.
69. The applicant has noted that the application site as a whole and land to the west were designated for housing in the 1993 South Cambridgeshire Local Plan. Policy Willingham 1a designated 5.2 acres of land to the north of Church Street and south of Wilford Furlong for primary residential purposes. The accompanying text noted the land is enclosed orchard or garden land, whilst access would not be permitted from Church Street. Members should be aware that this designation was removed for the 1999 Local Plan. No applications were seemingly forthcoming during this time. The Conservation Area was designated on 12th July 1974, whilst 45 and 47 Rockmill End were listed on 14th September 1984, both before the 1999 Local Plan.
70. Whilst no layout plans were submitted for the area of Policy Willingham 1a, residential development would have been around this area. The rear gardens to the Listed Buildings would also have been seriously affected. Access from Brickhills was not ruled out for the site. Given the comments regarding the design of the scheme, I do not consider the development would seriously impact upon the character of the Conservation Area or the setting of the Listed Buildings.

71. There will be views of the site from between dwellings along Church Street and Brickhills. Of particular concern was views from Church Street, located within the Conservation Area. The applicant has provided montages within the Design and Access Statement to show how the site would be viewed from Church Street. These show that, although visible, the dwellings should not cause any serious harm to the view from this location. The largest area of concern is the view from alongside the former Three Tuns public house, which would allow views of the terrace of four at plots 3-6. However, given the distance of the site from Church Street and the existing outbuildings, I again do not consider any serious harm would result.
72. The scheme has been designed so as not to cause any loss of views of Willingham Church, set to the southwest of the site. This was noted as being a potential concern, particularly from Rockmill End. However, the limited views of the church from this location will be unaffected. Such views have already been seriously compromised by the development S/2196/06/F along Rockmill End.

Other Matters

73. I note concerns from local residents regarding the potential for the scheme to be uncompleted. These comments presumably result from the outcome of application S/2196/06/F for nine dwellings at Rockmill End. These dwellings remain uncompleted and the site is now on the market. Whilst this is an unfortunate situation, the planning system cannot ensure the completion of schemes, which is reliant upon market demand.
74. I note further concerns from residents of nearby dwellings regarding the loss of views of agricultural land, and the devaluation of properties as a result of the proposed development. Neither of these issues are material planning considerations.
75. I note comments from the County Archaeology Team regarding the potential for remains on site. A condition can be added to allow for the relevant investigation of the land prior to the commencement of development.

Recommendation

76. Delegated approval, subject to the submission of up to date elevations for a number of the plots following amendments and an amended plan showing the road to be 5m at all times, and subject to the agreed details within the S106 package.

Conditions

77. I aim to provide a full list of conditions with the Committee Update. This will include conditions regarding the time implementation, the listing of the approved plans, a landscape scheme, landscape implementation, details of site boundaries, obscure glazing to plots 1, 3, and 8-17, remove of permitted development rights for windows to plots 1, 3, and 8-17, the detailing and retention of the Jakoustic Barrier, lighting details, surface and foul water drainage, time of construction, and materials.

Informatives

Should pile driven 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.

78. 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:

- Local Development Framework Core Strategy Development Plan Document 2007
- Local Development Framework Development Control Policies (LDF DCP) 2007
- Development Affecting Conservation Areas SPD, Open Space in New Developments SPD, Public Art SPD, Trees and Development Sites SPD, Affordable Housing SPD & District Design Guide SPD
- Circular 11/95 – The Use of Conditions in Planning Permissions
- Circular 05/2005 - Planning Obligations
- Planning Files Ref: S/0014/10/F and S/2196/06/F

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