

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

4 August 2010

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

S/0927/10/F - GAMLINGAY
Dwelling at Land to the Northwest of 24 West Road
For Mr & Mrs A Hutchison

Recommendation: Refusal

Date for Determination: 11 August 2010

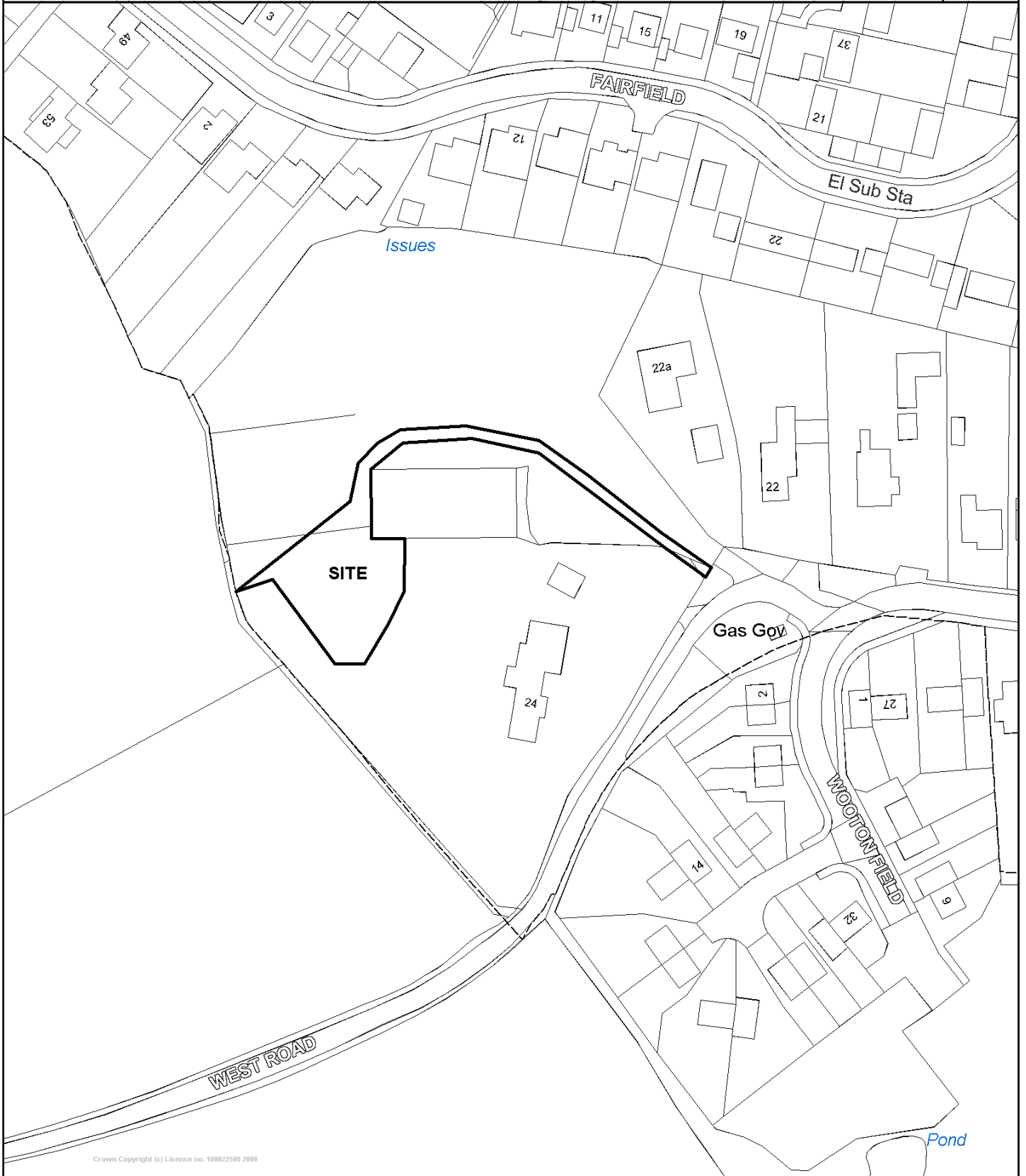
This Application has been reported to the Planning Committee for determination following a request by the Local Member.

Site and Proposal

1. The proposed site is located within the Gamlingay village framework, to the south western corner of the village. The site currently is laid to grass and appears to be in use as a garden, although it has no direct links to the adjoining housing. The site is set on lower ground and the land rises to both the north and the east. Directly to the north of the site is a tennis court, enclosed by a post and mesh fence. The eastern boundary is a 1.8m high panel fence, which grades along the slope of the land and continues to the southern boundary, where the boundary has good planting. This planting continues along the western boundary, where some larger trees are positioned. The remaining north boundary is a low post and mesh fence.
2. To the east of the site is 24 West Road, a large detached two-storey property. It has numerous facing ground and first floor windows including a conservatory. It also has a pergola style structure close to the shared boundary, with plants growing around it. There is good planting further west of the site, which forms the village framework boundary. The land to the north of the tennis court is currently grassland and is set on higher ground. This site has an extant consent for dwellings (see below).
3. The full application, validated on the 16 June 2010, seeks the erection of a dwelling on the site, to be accessed using that already approved for the scheme to the north. The application is accompanied by a Tree Survey, a draft Planning Obligation, and a Planning Design and Access Statement.

Planning History

4. The land to the north of the tennis court has a long recent site history. Of relevance to this scheme is application **S/0034/06/O**, which granted outline consent for the erection of 10 dwellings. This was subsequently followed by **S/0261/09/RM**, which granted the approval of the appearance, landscaping, layout and scale of the dwellings.
5. Outline consent was also granted for a dwelling and garage on the land further south of the application site through application **S/2399/07/O** with all matters to be reserved. A reserved matters application has recently been submitted in relation to this plot.



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Scale 1/1250 Date 20/7/2010

Centre = 523485 E 251999 N

August 2010 Planning Committee

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, **DP2** Design of New Development, **DP/3** Development Criteria, **DP/4** Infrastructure and New Development, **DP/5** Cumulative Development, **DP/7** Development Frameworks, **HG/1** Housing Density, **HG/3** Affordable Housing, **HG/4** Affordable Housing Subsidy, **SF/10** Outdoor Playspace, Informal Open Space, and New Developments, **SF/11** Open Space Standards, **NE/6** Biodiversity, **NE/10** Foul Drainage – Alternative Drainage Systems, **NE/11** Flood Risk, **NE/15** Noise Pollution, and **TR/2** Car and Cycle Parking Standards.
8. **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 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. **Gamlingay Parish Council** recommend approval subject to the open space provision being agreed.
12. The Council's **Scientific Officer (Contaminated Land)** notes the site is directly adjacent to a former landfill and therefore recommends a standard condition regarding the investigation and remediation of contaminants.
13. **Cllr Kindersley**, in discussion with **Cllr Smith**, note appreciation of the cumulative impact but note the site has been carefully arranged. If the site were not used for residential development, it would have no effective use.
14. The **Local Highways Authority** request conditions regarding the layout to the public highway, drainage measures in relation to the public highway and the material to be used for the access. Informatives are also requested regarding works to the public highway and public utility apparatus.
15. The Council's **Housing Development and Enabling Manager** has confirmed that if the unit were to be proposed as an affordable unit, then it is unlikely that a Registered Social Landlord would take such a plot. A contribution towards affordable housing would be required.

Representations

16. The occupier of **24 West Road** notes concerns regarding loss of privacy and loss of view from two of the existing bedrooms.

Planning Comments – Key Issues

17. The key issues to consider in this instance are the principle of development, the impact upon the amenity of the occupiers of the neighbouring properties, highway safety and contributions towards development infrastructure.

The Principle of Development

18. The site lies within the Gamlingay village framework. Policy ST/5 of the Local Development Framework Core Strategy 2007 classifies the village as a Minor Rural Centre, where residential development of up to 30 dwellings will be permitted within village frameworks, subject to site-specific issues. Policy DP/7 of the LDFDCP 2007 allows residential development within frameworks, provided a number of criteria are met. I do not consider that the aims of the policy would be harmed if the land were developed. There is therefore a principle in favour of development of the site in line with these policies.
19. Consents have been approved for 10 dwellings on land to the north and northwest of the site under applications S/0034/06/O and S/0261/09/RM. Given the policies of the then Local Plan, no affordable units were required for a scheme of this size at that time. Policy HG/3 of the LDFDCP 2007 now seeks all residential developments of more than 2 dwellings to provide 40% or more of affordable housing.
20. Policy DP/5 of the LDFDCP 2007 states “development will not be permitted where it forms part of a larger site where there would be a requirement for infrastructure provision if developed as a whole”. The supporting text adds that “clearly if development were permitted cumulatively as a number of small developments, the full requirements of a site would not be met”. Infrastructure provisions are noted in Policy DP/4, and include affordable housing. The site is considered to form part of the larger site to the north given their boundaries and shared access. Therefore a scheme for a single dwelling would trigger demand for affordable housing on site, which seeks 40% or more of dwellings to be affordable. The proposed dwelling should therefore be an affordable unit as it would be the eleventh on the site as a whole. I consider Policy DP/5 would be applicable while the extant consent S/0261/09/RM can be implemented.
21. The applicant has made reference to the fact the land is not in the same ownership as the scheme, and they have “no control or influence over the adjoining land”. However, given the need to access the site from the proposed access to the ten dwellings, approved under reference S/0261/09/RM, I am of the view that the 11 dwellings form part of a ‘larger site’ as envisaged by Policy D/5. I do not consider the ownership issue outweighs the points discussed above regarding the boundaries of the site and need to share an access.
22. I note comments from the Housing Development and Enabling manager regarding the proposal. A Registered Social Landlord is unlikely to take on a single unit in such a location, and therefore a contribution towards affordable housing would be required. The applicant has not put forward any scheme to provide such a contribution.

Density of Development

23. The site has an area of approximately 0.1 hectares excluding the access, although I note the applicant states this to be 0.083 hectares. Policy HG/1 of the Local Development Framework Development Control Policies 2007 seeks residential developments to achieve at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment. The proposal would create development at 10 dwellings per hectare. In line with the Policy, the site should cater for three dwellings to achieve 30 dwellings per hectare.
24. I note previous comments from the Local Highways Authority regarding the junction between the access road and West Road. They state it only has the capacity for 14 dwellings, and therefore only two would be supported on the site. The applicant has attempted to demonstrate why the site is not suitable for two dwellings. This includes the irregular shape of the site, the existing vegetation on and surrounding the site, its proximity to neighbouring dwellings, the location of a sewer easement which runs across the centre of the site, and recent changes to PPS3.
25. The site does have an irregular shape, but provided a scheme was designed to allow two vehicles to enter and leave in forward gear, I do not consider this would prevent the provision of two dwellings. The applicant has shown a sewer easement that runs through the middle of the site. This does reduce the floor space available for development. However, this land would still be used as garden and does have a practical function for residential units. The majority of the planting is located on the "opposite" side of the easement than the proposed dwelling. I consider a carefully designed scheme for two dwellings could be located on the site without affecting this planting. Again, with careful design, a scheme could ensure no negative impacts upon the adjacent properties.
26. Planning Policy Statement 3 (Housing) has been recently altered to remove the definition of private gardens from the definition of previously developed land and deletes the paragraph giving a national indicative minimum density of 30 dwellings per hectare. Whilst this alteration is noted, I do not consider that this should prevent a better use of land in this instance. Policy HG/3 remains unaltered.
27. Members should be aware that given the cumulative development policy, both units in a scheme of two dwellings should, in principle, be affordable.

Impact upon the Amenity of the Occupiers of the Neighbouring Properties

28. 24 West Road is located to the east of the proposed dwelling. Its rear garden is located between the dwelling and the shared boundary with the proposal. The proposed dwelling shows two bedroom windows in the facing side elevation, both serving bedrooms. These would be located 5m from the boundary at the closest point. Despite the change in levels on the site, this would allow views over the existing boundary treatment and pergola and allow views into the rear garden of the property. This would be to the detriment of the occupiers of this property.
29. I note comments from the occupier of 24 West Road regarding overlooking towards bedroom windows. These are located over 20m from the shared boundary, and beyond the 25m "rule of thumb" noted in the District Design Guide. I do not consider there to be overlooking to these bedrooms.

30. I do not consider that given the orientation and change in levels, the dwelling could be considered as overbearing when viewed from the rear garden of 24 West Road, nor would it cause any serious loss of light. Also, should the scheme to the north be constructed, the new access would not run alongside any dwelling, and therefore I do not consider any undue noise and disturbance would be caused to future occupiers of the ten dwellings to the north.

Highway Safety

31. I note the comments from the Local Highways Authority regarding the works. Access to the site would be achieved via an extension to that approved through application S/0261/09/RM. Visibility is not ideal at this point, but the Local Highways Authority have confirmed that the access has the capacity for a further two dwellings. The proposed conditions and informatives could be added to any approval on the scheme.

Contributions Towards Development Infrastructure

32. The applicant has submitted a draft planning obligation as part of the consent. It commits to a payment of £4258.90 towards open space provision given the lack of on-site provision. This figure is in excess of that usually expected for a three-bed dwelling, where a contribution of £3104.38 is expected. The draft obligation makes no reference to the need for contributions towards community facilities, and this was raised in previous pre-application discussions. There is a proven need for works to the community hall (and planning permission has been granted for upgrades and extensions). I have spoken to the applicant, who will discuss this with his client. Members will be updated verbally on this matter.

Other Matters

33. I note the comment from the Council's Scientific Officer (Contaminated Land). Any approval would require the relevant condition to ensure investigation and remediation takes place. The applicant is aware of the issues on site and particularly the need to include details of gas infiltration protection measures.

Conclusion

34. While the siting and design of the proposal is considered to have a harmful effect on the adjoining property, I am of the opinion that the site is actually capable of accommodating two dwellings in accordance with up-to-date plan policies. The erection of just one dwelling does not make the best use of land and fails to deliver affordable housing.

Recommendation

35. Refusal for the following reasons:
1. The site has an area of approximately 0.1 hectares excluding the access. The development of a single unit would represent development at a density of 10 dwellings per hectare. As a result, the proposal fails to make the best use of land. The site is considered appropriate for two dwellings as there are highway concerns regarding any further units. The application is therefore contrary to Policy HG/1 of the LDFDCP 2007, which states residential developments will make best use of the site by achieving average net densities of at least 30 dwellings per hectare unless there are exceptional local circumstances that require a different treatment.

2. The land to the north of the application site has an extant consent for ten dwellings and works are yet to begin on this scheme. This application requires the use of the access that would serve those ten dwellings in order to allow vehicles to get to the site and as a result forms part of this larger site. The scheme of ten dwellings does not include any affordable housing due to the Local Plan policies of that time. By adding a further dwelling, the need for an affordable unit would be triggered. The dwelling is shown as a market property in the application and no commuted site has been offered. The development is therefore contrary to Policy DP/5 of the Local Development Framework Development Control Policies (LDFDCP) 2007, which states development will not be permitted where it forms part of a larger site where there would be a requirement for infrastructure provision if developed as a whole.
3. The southeast elevation of the dwelling has two first floor windows serving two bedrooms. These are located between 5m and 7m off the shared boundary with 24 West Road, and would allow direct views into the rear garden of this neighbouring property. This would cause serious overlooking and subsequent loss of amenity to the occupiers of this property. The proposal is therefore contrary to Policy DP/3 of the LDFDCP 2007, which states planning permission will not be granted where the proposed development would have an unacceptable adverse impact on residential amenity.

Informative (subject to confirmation from the applicant).

The development results in a number of infrastructure requirements to meet the needs of the development in accordance with Policies DP/4 and SF/10 of the adopted South Cambridgeshire Local Development Framework 2007. This amounts to financial contributions of £3,104.38 towards the off-site provision and maintenance of open space, £523.93 towards the provision of indoor community facilities and £69.50 towards the provision of household waste receptacles. These figures are as calculated on the date of the decision and are index linked so may be subject to change when any payment is made. These contributions would be secured through a scheme (Section 106 Agreement). There would also be additional charges of £50 towards a S106 monitoring fee. The applicant's agent has confirmed, in writing, the client's acceptance to these requirements and this does not therefore form part of the reason for refusing the application.

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
- Open Space in New Developments SPD, Public Art SPD, Trees and Development Sites SPD, Affordable Housing SPD & District Design Guide SPD
- Circular 11/95 Use of Conditions in Planning Permissions
- Circular 05/2005 - Planning Obligations
- Planning Files Ref: S/0927/10/F, S/0261/09/RM, S/0034/06/O, and S/2399/07/O

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